

**LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS
PETITION TO REZONE PROPERTY**

LAKE COUNTY ZONING BOARD
November 25, 2015



BOARD OF COUNTY COMMISSIONERS
December 15, 2015

Case Number: RZ-15-26-2 Johns Lake Landing PUD Amendment	Case Manager: Rick Hartenstein, AICP, CPM Senior Planner	Agenda Item # 3
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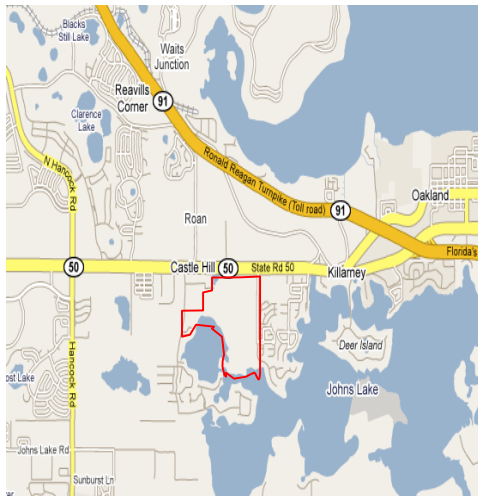
Owner: Johns' Lake, LLC (the "Owner")

Applicant: Lake County Economic Growth Department, Robert Chandler, IV (Applicant)

Requested Action: Amend Ord. #2014-9, Section I.A.1.a.v, related to the timing and construction of the wall between the Magnolia Pointe subdivision and the John's Lake Landing subdivision and Section 1.A.2.a Commercial, to correct a scrivener's error by adding prohibited uses inadvertently omitted with the amendment of Ordinance #2005-95, with no other changes to the Planned Unit Development (PUD).

- Site Location & Information -

Approximate site location outlined in red



Size	309.88 +/- acres	
Location	Clermont area –SR 50, on Hartle Rd	
Alternate Key	Multiple Alternate Key Numbers	
Future Land Use	Urban Low Density	
	Existing	Proposed
Zoning District	Planned Unit Development (PUD)	PUD
Density	3.8 DU/Acre (788 DU)	3.8 DU/Net Acre (788 DU)
Floor Area Ratio (FAR)	0.22 (425,000 SF) Max. 0.25	0.22 (425,000 SF) Max. 0.25
Impervious Surface Ratio (ISR)	0.60 (0.60 max.)	0.60 (0.60 max.)
Joint Planning Area	Clermont	Clermont
Utility Area:	Clermont	Clermont
Site Utilities	Central Water & Sewer	Central Water & Sewer
Road Classification	SR 50 - Rural Minor Arterial & Hartle Road – Urban Collector	SR 50 - Rural Minor Arterial & Hartle Road – Urban Collector
Flood Zone/ FIRM Panel - 12069C0570D	X – outside 500 Year AE – within 100 year (100' BFE)	X – outside 500 Year AE – within 100 year (100' BFE)
Commissioner District	2 – Parks	2 – Parks

Site Visit: November 17, 2015

Signs Posted: November 17, 2015 (5)

Table 1: Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Regional Commercial	PUD	Commercial & Clay Mine	Plaza Collina/CUP#174C-3
South	Urban Low Density/Rural Transition	PUD & A	Wetlands/Johns' Lake & Residential	Magnolia Bay S.D. and Magnolia Island S.D.
East	Regional Commercial/Urban Low Density	PUD, R-2, & A	Commercial & Residential	Magnolia Retail & Office Park and Magnolia Pointe PUD
West	Urban Low Density	PUD & A	Residential & Vacant Land	Hartle Grove PUD

STAFF RECOMMENDATION: Staff recommends **approval** of the proposed PUD Ordinance text amendment as conditioned in the proposed ordinance.

PLANNING & ZONING BOARD RECOMMENDATION:

- Summary of Staff Determination -

The Counsel for John's Lake LLC is requesting a text amendment to the John's Lake Landing PUD Ordinance #2014-9 (Reference Attachment #1) Section I.A.1.a.v, which required the wall to be built between the Magnolia Pointe subdivision and the John's Lake Landing subdivision prior to the earlier to occur of November 6, 2015, or at the time John's Lake, LLC commences residential development of either Phase 4 or Phase 5 of the John's Lake Landing residential subdivision. This amendment revises the date for the construction of the wall between the Magnolia Pointe subdivision and the John's Lake Landing subdivision from November 6, 2015 to read as follows:..."prior to the earlier to occur of November 6, 2017 or at the time John's Lake, LLC commences residential development of either Phase 4 or Phase 5 of the John's Lake Landing residential subdivision".

The Applicant is requesting a text amendment to correct a scrivener's error in Section 1.A.2.a Commercial, by adding prohibited uses inadvertently omitted during the amendment to Ordinance #2005-95 (Reference Attachment #2). There are no other proposed amendments to this PUD.

The PUD amendments and will have no effect on density, intensity, or public facility impacts. This amendment will coincide with the "First Amendment to Acknowledgment and Understanding" document entered into between John's Lake LLC (Owner) and the Magnolia Pointe Master Homeowner's Association. The documents provide clarity as to the timing for the wall construction and has been made a part of the attached Ordinance as Exhibit "C" (First Amendment to Agreement). The amended Ordinance will rescind and replace all previously approved ordinances including Ordinance #2014-9.

- STANDARDS OF REVIEW & ANALYSIS -
(Land Development Regulation, Section 14.03.03)

A. Whether the proposed rezoning is in conflict with any applicable provisions of these Regulations;

Density

The PUD was previously approved consistent with the Comprehensive Plan and Land Development Regulations. This text amendment to Section I.A.1.a.v, of Ordinance #2014-9 proposes clarification

to the timing of construction for the wall between the Magnolia Pointe development and the John's Lake Landing development and Section 1.A.2.a Commercial, which corrects a scrivener's error related to prohibited uses within the commercial element of the PUD and proposes no other changes to the PUD.

B. Whether the proposed rezoning is consistent with all elements of the Lake County Comprehensive Plan;

The PUD was previously approved consistent with the Comprehensive Plan and Land Development Regulations. This text amendment to Section I.A.1.a.v, of Ordinance #2014-9 proposes clarification to the timing of construction for the wall between the Magnolia Pointe development and the John's Lake Landing development and Section 1.A.2.a Commercial, which corrects a scrivener's error related to prohibited uses within the commercial element of the PUD and proposes no other changes to the PUD.

C. Whether and the extent to which the proposed rezoning is inconsistent with existing and proposed land uses;

The PUD was previously approved consistent with the Comprehensive Plan and Land Development Regulations. This text amendment to Section I.A.1.a.v, of Ordinance #2014-9 proposes clarification to the timing of construction for the wall between the Magnolia Pointe development and the John's Lake Landing development and Section 1.A.2.a Commercial, which corrects a scrivener's error related to prohibited uses within the commercial element of the PUD and proposes no other changes to the PUD.

D. Whether there have been changed conditions that require a rezoning;

During the recent review of Ordinance #2014-9 by the property owner, it became apparent that clarification related to the timing of construction for the required wall was necessary and that some prohibited commercial uses had been inadvertently omitted. This text amendment will ensure the appropriate buffering between the two developments is instituted at a time best suited to provide protection to Magnolia Pointe without placing an undue burden on the developer of John's Lake Landing and corrects a scrivener's error by including the prohibited commercial uses.

E. Whether and the extent to which the proposed rezoning would result in demands on public facilities, and whether or to the extent to which the proposed rezoning would exceed the capacity of such public facilities, including, but not limited to roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities;

This text amendment proposes no additional impacts to the public facilities for this area.

F. Whether and the extent to which the proposed rezoning would result in significant adverse impacts on the natural environment;

N/A

G. Whether and the extent to which the proposed rezoning would adversely affect the property values in the area;

N/A

H. Whether and the extent to which the proposed rezoning would result in an orderly and logical development pattern, specifically identifying any negative effects on such patterns;

The proposed text amendment continues the orderly and logical development pattern for the area.

I. **Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and**

N/A

J. **Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners in review and consideration of the proposed rezoning.**

N/A

FINDINGS OF FACT: Staff has reviewed the application for the proposed rezoning and found:

1. The text amendment provides clarity to the timing for the development and construction of the wall between the Magnolia Pointe development and the John's Lake Landing development.
2. The text amendment corrects a scrivener's error by including the prohibited commercial uses inadvertently omitted by the amendment to Ordinance #2005-95.
3. The text amendment does not increase any impacts to public facilities within the area or affect the density or intensity of the approved development in any way.
4. The proposed text amendment remains consistent with the previous PUD Ord. #2014-9 rezoning, which will be superseded and replaced with this new ordinance.

Therefore, based on these Findings of Fact, staff recommends **APPROVAL**, with conditions contained in the proposed Ordinance.

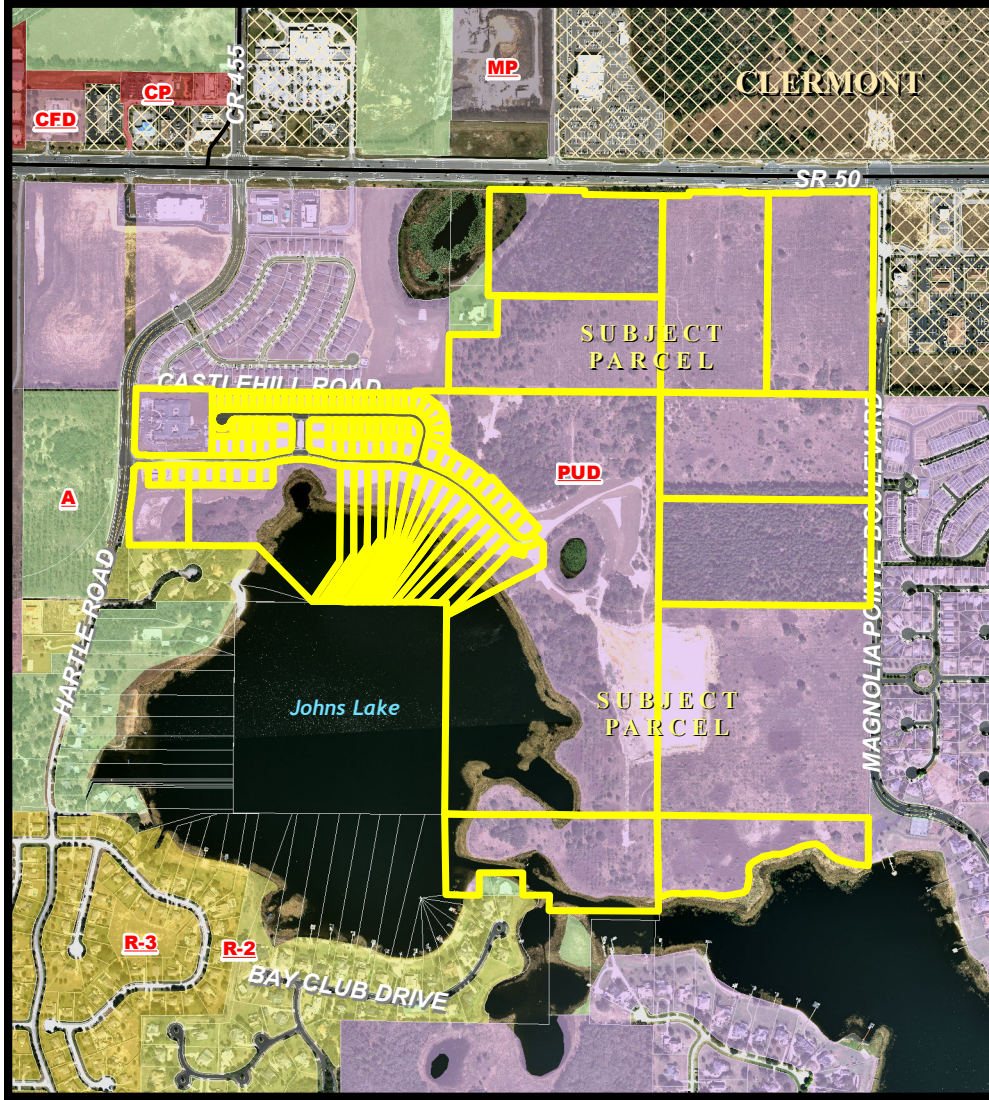
WRITTEN COMMENTS FILED: Support: -0- Concern: -0- Opposition: -0-

**Staff
Report
Exhibits**



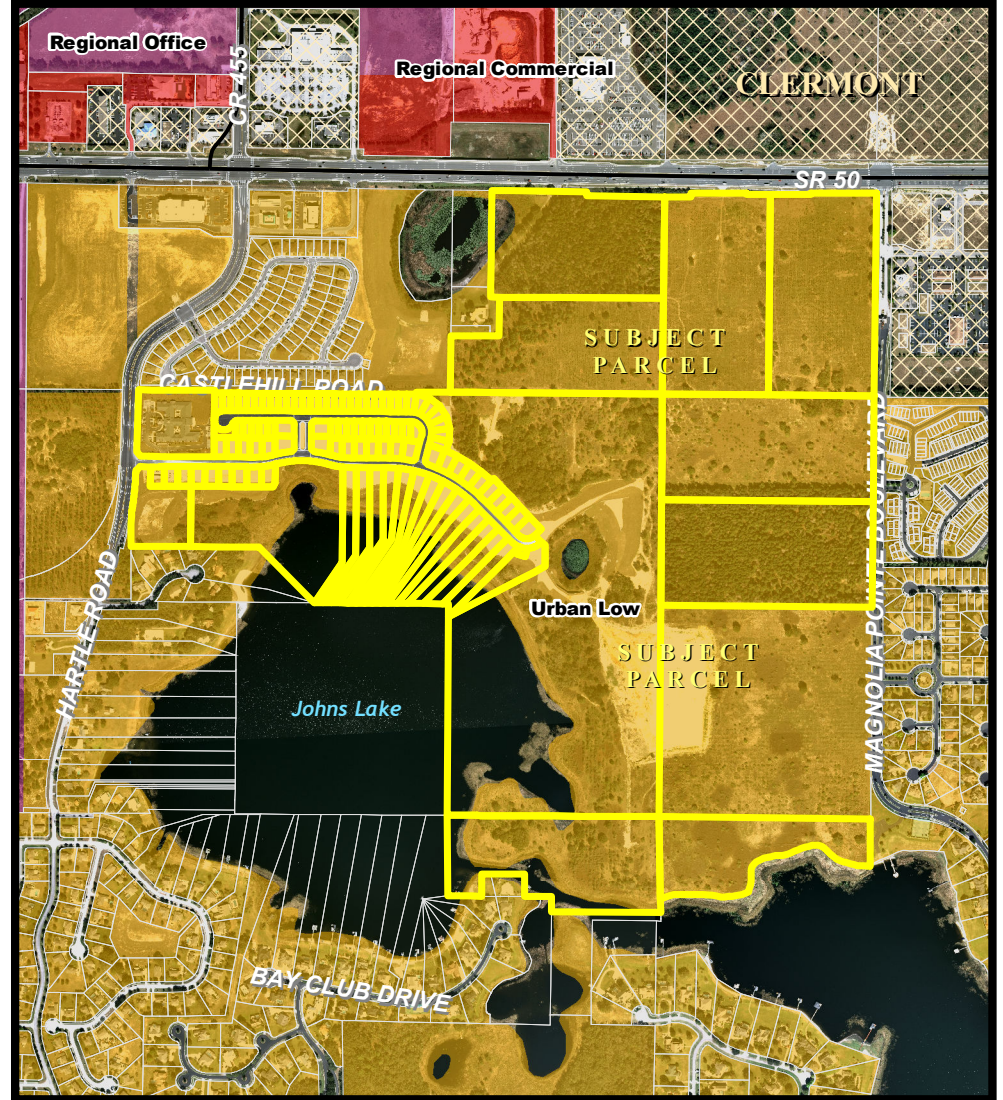
CURRENT ZONING

1 inch = 1,200 feet



CURRENT 2030 FUTURE LAND USE

1 inch = 1,200 feet



Zoning Legend

A	R-7	LM
AR	RP	HM
RA	RMRP	MP
R-1	RM	CFD
R-2	RV	PUD
R-3	C-1	
R-4	C-2	
R-6	CP	

FLU Legend

Bella Collina	Heavy Industrial	Recreation	Urban Low Density
Cagans Crossing	Mt Plymouth - sorrento Main Street District	Regional Commercial	Urban Medium Density
Conservation	Mt Plymouth - Sorrento Proper	Rural	
Green Swamp Core Conservation	Mt Plymouth - Sorrento Receiving Area	Rural Transition	
Green Swamp Ridge	Office	Sending Area A-1-20	
Green Swamp Rural	Public Service Facility and Infrastructure	Sending Area A-1-40	
Green Swamp Rural Conservation	Receiving Area A-1-20	Urban High Density	

JOHN'S LAKE LANDING PUD TEXT AMENDMENT

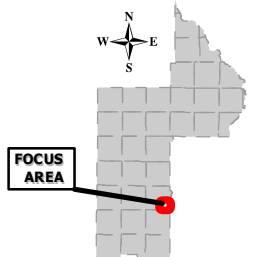
CASE NO.
RZ-15-26-2

CASE LOCATION:
25/26/35/36-22S-26E

REQUESTING:
Correcting a scrivener's error
and changing text related to wall construction timing.



Planning & Zoning Division
Economic Growth Department



CFN 2005205453
Bk 03048 Pgs 1741 - 1748; (8pgs)
DATE: 12/30/2005 11:02:18 AM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 69.50

ORDINANCE #2005-95
Tracking No.#60-05-PUD
David Warren and Cra-Mar Groves, Inc.
BJM Associates, Inc.
PH# 48-05-2

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lake County Zoning Board did on the 2nd day of November, 2005, review petition PH# 48-05-2, a request for rezoning from A (Agriculture) and R-2 (Estate Residential) to PUD (Planned Unit Development) for the creation of an age-restricted residential community featuring 517 single-family units, 328 multifamily units, and up to 200,000 square feet of commercial space. The property is generally located in the Clermont area, west of the intersection of State Road 50 and Magnolia Pointe Blvd., approximately 3/4 mile west of the Orange County line. (Sec. 25, 26, 35, and 36/ Twp. 22S/ Rge. 26E) (272.16 +/- Acres)

RECORDED
2005 DEC 30 11:02 AM
CLERK OF COURT
JAMES C. WATKINS
LAKE COUNTY

LEGAL DESCRIPTION: [EXHIBIT "A" - ATTACHED]

AND, after giving Notice of Hearing on petition for a change in the use of land, including a notice that said would be presented to the Board of County Commissioners of Lake County, Florida, on the 22nd day of November, and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Zoning Board, and any comments, favorable or unfavorable, from the public and surrounding property owners at a Public Hearing duly advertised, and

WHEREAS, upon review, certain terms pertaining to the development of the above described property have been duly approved, and

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above tract of land subject to the following terms:

*To: Tori Riggs
Board Support*

ORDINANCE NO. #2005-95

(Tracking #60-05-PUD) (PH#48-05-2) (David Warren & Cra-Mar Groves, Inc./BJM Associates, Inc.)

Section 1. Terms: The terms and conditions of this Ordinance shall mean and include the total of the following land uses. The County Manager or designee shall amend the Zoning Map in accordance with this Ordinance.

A. Land Uses:

1. Residential:

a. Number & Type of Residential Units:

A total of 845 age-restricted residential units (517 single-family dwellings and 328 multifamily units) shall be permitted at a gross residential density of four units per acre. Prior to development, deeds and covenants shall be recorded to restrict occupancy to individuals eighteen years of age or older, and the project must comply with the Federal and State Fair Housing Acts. If, at a future date, the community wishes to eliminate its age-restricted status, an amendment of the PUD Ordinance shall be required.

- 1) The lakefront lots shall be in accordance with the attached layout, attached hereto as Exhibit "B" and incorporated herein.
- 2) The wall between the residential portion of the subject property and the residential portion of Magnolia Pointe shall be constructed in Phase I.
- 3) The wall between the residential portion of the subject property and the residential portion of Magnolia Pointe shall be constructed along the entire portion of the residential development.

b. Setback Requirements:

For the residential portion of the PUD, the following setbacks shall be in effect:

50-foot lots:

Front:	20 feet from the property line.
Secondary front:	15 feet from the property line
Side:	5 feet from the property line.
Rear:	20 feet from the property line (5 feet for pools, pool decks, pool enclosures, and storage sheds)
Between buildings:	10 feet

75- to 85-foot lots:

Front:	25 feet from the property line.
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ORDINANCE NO. #2005-95

(Tracking #60-05-PUD) (PH#48-05-2) (David Warren & Cra-Mar Groves, Inc./BJM Associates, Inc.)

Secondary front: 15 feet from the property line
Side: 7.5 feet from the property line.
Rear: 20 feet from the property line (5 feet for pools, pool decks, pool enclosures, and storage sheds)
Between buildings: 15 feet

Multifamily:

Front: 20 feet from the property line.
Secondary front: 15 feet from the property line
Side: 0 feet from the property line.
Rear: 20 feet from the property line (5 feet for pools, pool decks, pool enclosures, and storage sheds)
Between buildings: 20 feet

c. RV/Boat Storage:

RV and boat storage shall be allowed on Tracts I, J, and K of the PUD.

2. Commercial:

a. Acreage and Types of Commercial Uses

Commercial activities shall be permitted on the 25.09-acre and 19.45-acre parcels identified as Tracts L and M, respectively, on the PUD rezoning plan. Total gross leasable area for the two parcels shall be limited to 200,000 square feet. Should the Comprehensive Plan provide for additional square footage on the site, up to 425,000 square feet shall be permitted.

All C-1 (Neighborhood Commercial) and C-2 (Community Commercial) uses shall be permitted on the commercial parcels, except, adult entertainment, gas stations, automobile dealerships, automobile part stores, car washes and automobile repair.

1. The developer shall attempt to orientate the buildings so that the back of the buildings do not face Magnolia Pointe Boulevard. If the rear of the buildings must face Magnolia Pointe Boulevard, the developer shall extend the wall accordingly.
2. The developer shall follow architectural standards of development, which compliment Plaza Colinas and the Joint Planning Area with the City of Clermont.

b. Setbacks

The following setbacks shall apply to the commercial area:

ORDINANCE NO. #2005-95

(Tracking #60-05-PUD) (PH#48-05-2) (David Warren & Cra-Mar Groves, Inc./BJM Associates, Inc.)

Front: 50 feet from the right-of-way of State Road 50, 25 feet from the right-of-way of any local road or easement.

Side/Rear: 15 feet from the property line (based on the 15-foot Type B landscape buffer requirement).

c. Parking

Parking shall be provided in accordance with the requirements of Section 9.03.05 of the Land Development Regulations.

d. A site plan prepared in accordance with Section 14.09.01(B) of the Land Development Regulations will be required prior to the issuance of any building permits.

B. Public Facilities:

1. Water and Wastewater Facilities:

The PUD shall be served by a central water and sewer system.

2. Drainage/Stormwater Management:

The applicant shall submit drainage calculations and a stormwater management plan when filing for plat approval.

3. Fire Protection:

The applicant shall comply with all County fire protection requirements.

C. Open Space:

1. Residential:

Twenty-five (25) percent of the base site area utilized for residential purposes shall be provided as open space.

2. Commercial:

Twenty (20) percent of the base site area utilized for commercial purposes shall be allocated for open space. Parking areas may not be included in this required open space.

D. Landscaping:

1. All landscaping shall comply with the landscaping requirements contained in Section

9.01.00 of the Lake County Land Development Regulations.

2. A Type B landscape buffer with a width of 15 feet shall be provided along the perimeter of the PUD, as well as between residential and commercial areas within the development, with the exception of those areas abutting wetlands or open water. The buffer shall be adequately maintained at all times.
3. A minimum of six trees per acre of open space shall be required.

E. Environmental:

1. Wetlands:

In accordance with Policy 1-2.1E of the Lake County Comprehensive Plan, wetlands within a project must be placed in a conservation easement that shall run in favor of, and be enforceable by, a homeowners association or the County, at its option. The conservation easement shall require that the wetlands be maintained in their natural and unaltered state. To the extent practicable, wetlands shall not be included as part of any platted lot, other than a lot platted as a common area, which shall be dedicated to the homeowners' association or the County for ownership and maintenance.

2. Natural Buffers:

In accordance with Section 6.15.04(A) of the Lake County Land Development Regulations, a 50-foot natural buffer shall be established upland of wetlands and between any development and shall be designated a "no-build" zone. This upland buffer and associated conservation areas and littoral zone shall be maintained in native vegetation. No pesticides or fertilizers may be used in the "no-build" zone, and all exotic and nuisance species shall be removed and replaced with native vegetation.

3. Floodplain Protection:

The project shall comply with Section 9.07.08(D), Site Plan and Subdivision Standards, of the Land Development Regulations, which states that the 100-year floodplain shall be used solely for the storage of floodwaters and for passive recreation and conservation facilities.

4. Environmental Assessments:

An environmental assessment addressing habitat and species shall be submitted to the County during the preliminary platting stage of each phase of the project.

F. Signage:

All signage shall comply with the applicable sign requirements contained in Chapter 11 of the Lake County Land Development Regulations.

G. Transportation Improvements:

1. The development shall comply with all applicable County and FDOT access management requirements.
2. The developer shall provide a link between Magnolia Pointe Blvd. and Hartle Road.
3. The dedication of additional right-of-way for Magnolia Pointe Blvd. and Hartle Road may be required.

H. Development Review and Approval:

Prior to the issuance of any permits, the applicant shall be required to submit formal preliminary plats and/or site plans for review and approval by the Lake County Development Review Staff. The preliminary plat and/or site plans shall meet all submittal requirements and comply with all County codes and ordinances, as amended.

I. Future Development Orders:

Any requested development order must comply with the Lake County Land Development Regulations, as amended, and the Lake County Comprehensive Plan, as amended.

J. Future Amendments to Statutes, Code, Plans and/or Regulations:

The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County Land Development Regulations shall include any future amendments to the Statutes, Code, Plan, and/or Regulations.

Section 2. Conditions as altered and amended which pertain to the above tract of land shall be as follows:

- A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by the Zoning Board and the Board of County Commissioners.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner within the boundaries of the above described land, without first submitting the necessary plans in

ORDINANCE NO. #2005-95

(Tracking #60-05-PUD) (PH#48-05-2) (David Warren & Cra-Mar Groves, Inc./BJM Associates, Inc.)

accordance with Chapter XIV of the Lake County Land Development Regulations (LDRs) and receiving approval from the County Manager or designee upon obtaining the permits required from other appropriate governmental agencies.

- C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- D. The transfer of ownership or lease of any or all of the property described in this Ordinance shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to this Ordinance and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in Chapter XIV of the Lake County Land Development Regulations (LDRs), as amended.

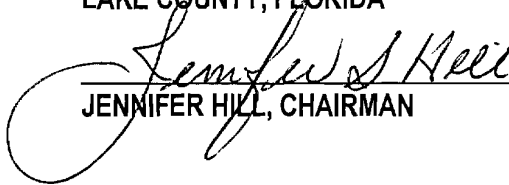
Section 3. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this 22nd day of November, 2005.

FILED with the Secretary of State December 20, 2005.


EFFECTIVE December 20, 2005.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA



JENNIFER HILL, CHAIRMAN

ATTEST:



JAMES C. WATKINS, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

APPROVED AS TO FORM AND LEGALITY



SANFORD A. MINKOFF, COUNTY ATTORNEY

EXHIBIT "A" – LEGAL DESCRIPTION

ORDINANCE NO. #2005-95

PH#48-05-2

Tracking No. #60-05PUD

Cra-Mar Groves Inc.

David Warren / BJM Associates Inc

LEGAL DESCRIPTION: Lake Highlands (26-22-26) S 596.5 ft of Tract 31 – LESS N 243 ft of W 300 ft – S 596.5 ft of Tract 32; Lake Highlands (26-22-26) Begin 381.5 ft S of NE cor of Tract 33, run S 89 deg. 06' W 329.66 ft, S 2 deg 20' E 276.43 ft, S 88 deg. 19' E 89.48 ft, S 7 deg. 21' E 164.46 ft, S 89 deg 08' W 270.23 ft, S 354.8 ft, S 89 deg. 27' E 291.82 ft, S 133 ft, S 89 deg. 27' E 186.18 ft N to POB, Tracts 49, 50, 63, 64; Lake Highlands (26-22-26) N 1/2 of SE 1/4 & E 1/2 of NE 1/4 of SW 1/4 – LESS Beg 97.5 ft S 89 deg 27' E Of SW cor of E 1/2 of NE 1/4 of SW 1/4 run N 4 deg 53' E 346.89 ft, S 89 deg 27' E 681 ft, S 44 deg 27' E 489.17 ft, N 89 deg 27' W 1053.11 ft to POB & LESS Begin 381.5 ft S of NE cor of SE 1/4 run S 89 deg. 06' W 329.66 ft, S 2 deg 20' E 276.43 ft, N 88 deg 19' E 89.48 ft, S 7 deg. 21' E 164.46 ft S 89 deg. 08' W 270.23 ft, S 354.8 ft, S 89 deg. 27' E 291.82 ft S 133 ft S 89 deg. 27' E 186.18 ft, N 842.23 ft to POB & LESS From NE cor of SE 1/4 run S 89 deg. 57' W 855 ft for POB, run S 85 ft S 89 deg. 57' W 90 ft, S 377 ft, S 89 deg. 57' W 262 ft, N 462 ft to N line of SE 1/4, N 89 deg. 57' E 352 ft to POB & LESS W 673 ft lying within E 1/2 of NE 1/4 of SW 1/4 & W 1/2 of NW 1/4 of SE 1/4 & LESS Platted Roads – being all or part of Tracts 33, 34, 35, 35-A, 36, 36-A, 46, 47 & 48 in said Lake Highlands; Lake Highlands (26-22-26) W 673 ft lying within the E 1/2 of NE 1/4 of SW 1/4 & W 1/2 of NW 1/4 of SE 1/4 – LESS Begin 97.5 ft S 89 deg. 27' E of SW cor of E 1/2 of NE 1/4 of SW 1/4, run N 4 deg 53' E 346.89 ft, S 89 deg. 27' E 681 ft, S 44 deg. 27' E 489.17 ft, N 89 deg. 27' W 1053 ft to POB & LESS Begin SW cor of E 1/4 of NE 1/4 of SW 1/4, run N 0 deg. 04' 28" W 345.62 ft, N 89 deg. 59' E 127.48 ft, S 04 deg. 53' W 346.89 ft., S 89 deg. 59' W 97.5 ft to POB – Being Part of Tracts 37 & 37-A; Lake Highlands (26-22-26) From NE cor of SE 1/4 of Sec 26, run W along N line of SE 1/4 945 ft for POB, run S 462 ft, S 89 deg. 57' W 262 ft, N 462 ft, N 89 deg 57' E 262 ft to POB; Lake Highlands, begin 855 ft of NE cor of SE 1/4 & run S 89 deg 57' W 90 ft, S 85 ft, N 89 deg 57' E 90 ft., N 85 ft to POB; Lake Highlands E 1077 ft of Tracts 17, 18 lying S of r/w of Hwy 50, E 1077 ft of N 63.5 ft of Tracts 31, 32; (25-22-26) W 1/2 of SW 1/4 of NW 1/4 S of r/w of Hwy 50; (25-22-26) N 1/2 of NW 1/4 of SW 1/4; (25-22-26) S 1/2 of NW 1/4 of SW 1/4; (25-22-26) SW 1/4 of SW 1/4; (25-22-26) E 1/2 of SW 1/4 of NW 1/4 S of r/w Hwy 50; (35-22-26) Beg at NE cor of Sec run S 600 ft, W 660 ft, N 100 ft, W 170 ft, N 140 ft, W 270 ft, S 140 ft, W 220 ft, N 500 ft E to POB; (36-22-26) Govt Lot 3 N of Johns Lake;

**Proposed
Ordinance**

1 **ORDINANCE #20145-9XX**
2 **Johns Lake LLC**
3 **Johns Lake Landing PUD**
4 **PH #3-14-2-RZ-15-26-2**
5

6 **AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE**
7 **COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**
8

9 **WHEREAS**, the Lake County Economic Growth Department, Robert Chandler, IV (Applicant) requested an
10 amendment to Planned Unit Development (PUD) Ord. #2012-72014-9, Section I.A.1.a.v, related to the timing and
11 construction of the wall between the Magnolia Pointe subdivision and the Johns Lake Landing subdivision and Section
12 1.A.2.a Commercial, to correct a scrivener’s error by adding prohibited uses inadvertently omitted with the amendment
13 to Ordinance #2005-95, with no other changes to the Planned Unit Development (PUD). The passage of this Ordinance
14 shall supersede and replace any and all previous ordinances, specifically Ordinance #2012-72014-9; and

15 **WHEREAS**, the subject Planned Unit Development property consists of 309 +/- acres located in the East
16 Clermont area to the southeast of the intersection of SR 50 and Hartle Road, situated in Section 26 - Township 22S -
17 Range 26E, and having Alternate Keys # 1648106, 2942266, 2664754, 1592330, 1648149, 1037425, 1707269,
18 4037417, 1593115, and 10291393890149, 3890191, 3890190, 3890189, 3890188, 3890187, 3890186, 3890185,
19 3890184, 3890183, 3890182, 3890181, 3890180, 3890179, 3890178, 3890177, 3890176, 3890175, 3890174, 3890173,
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23 3890221, 3890222, 3890223, 3890224, 3890225, 3890203, 3890202, 3890201, 3890200, 3890199, 3890198, 3890213,
24 3890232, 3890231, 3890230, 3890229, 3890228, 3890227, 3890150, 3890247, 3890204, 3890205, 3890206, 3890207,
25 3890208, 3890209, 3890210, 3890211, 3890212, 3890233, 3890234, 3890235, 3890236, 3890237, 3890238, 3890239,
26 3890240, 3890241, 3890242, 3890243, 3890244, 3890245, 3890246, 3890250, 3890249, 1593115, 1029139, 1037471,
27 1648149, 1707269, 1037425, 2942266, 2664754, 1592330, and 1648106, and more particularly described as:

28
29 LEGAL DESCRIPTION: [EXHIBIT “A” – ATTACHED]
30

31 **WHEREAS**, the property is located within the Urban Low Density Future Land Use Category; and

32 **WHEREAS**, on the 22nd day of November, 2005, the Board of County Commissioners approved the Johns Lake
33 Landing PUD (Ordinance #2005-95) on 309 +/- acres consisting of 845 age restricted residential units (517 single-family
34 units and 328 multi-family units) and 425,000 square feet of commercial uses; and

35 **WHEREAS**, on January 22, 2012, the Board of County Commissioners approved an amendment to the Johns
36 Lake Landing PUD (Ordinance #2012-7) by adding a community facility use (71 Unit Assisted Living Facility) and
37 reducing the dwelling units for the SFR from 845 to 788 units on approximately 309 +/- acres; and

38 **WHEREAS**, on February 25, 2014, the Board of County Commissioners approved an amendment to the Johns
39 Lake Landing PUD (Ordinance #2012-7) by adding language to Ordinance #2012-7 related to the timing and
40 construction of the wall between the Magnolia Pointe subdivision and the John’s Lake Landing subdivision on
41 approximately 309 +/- acres with no other changes to the Planned Unit Development (PUD); and

42 **WHEREAS**, the purpose of this amendment to Planned Unit Development (PUD) Ord. #2012-72014-9 is to
43 modify Section I.A.1.a.v, related to by revising the timing and construction of the wall between the Magnolia Pointe
44 subdivision and the John’s Lake Landing subdivision and Section 1.A.2.a Commercial, to correct a scrivener’s error by

ORDINANCE NO. #2014-92015-XX
PH #3-14-2RZ-15-26-2 (Johns' Lake Landing PUD Text Amendment)

1 adding prohibited uses inadvertently omitted with the amendment to Ordinance #2005-95, with no other changes to the
2 Planned Unit Development (PUD); and

3 **WHEREAS**, the Lake County Planning and Zoning Board did, on the 25th day of February, 2014~~November,~~
4 2015, review Petition PH #3-14-2RZ-15-26-2; after giving Notice of Hearing on petition for a text amendment to the PUD,
5 including notice that said Ordinance would be presented to the Board of County Commissioners of Lake County, Florida,
6 on the 21st day of February, 2014~~December, 2015~~; and

7 **WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the Lake
8 County Zoning Board, Staff Report and any comments, favorable or unfavorable, from the Public and surrounding
9 property owners at a Public Hearing duly advertised, and

10 **WHEREAS**, upon review, certain terms pertaining to the development of the above described property have
11 been duly approved, and

12 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County, Florida, that
13 the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above tracts
14 of land, as described in Exhibit "A", subject to the following terms:

15 **Section 1.** Terms: The County Manager or designee shall amend the Zoning Map in accordance with this
16 Ordinance. The uses of the property shall be limited to the uses specified in this Ordinance generally consistent with the
17 Conceptual Plan attached hereto as Exhibit 'B'. The passage of this Ordinance shall supersede and replace any and all
18 previous ordinances, specifically Ordinance #2012-72014-9.

19 A. Land Use and Design:

20
21 1. Residential:

22 a. Density & Type of Residential Units:

- 23 i. 460 single-family residential.
- 24 ii. 328 multi-family or townhome units.
- 25 iii. The overall density shall not exceed four (4) dwelling units to the net acre.
- 26 iv. A total of 788 residential units shall be permitted.
- 27 v. A wall shall be constructed between the residential portion of the John's Lake Landing
28 development and the residential portion of Magnolia Pointe development in accordance with
29 the conditions specified in Exhibit "C" (First Amendment to Acknowledgment and
30 Understanding) and Exhibit "D" (Phasing Plan) of this Ordinance.
- 31 vi. Lake front lots shall have a minimum width of 85 feet and a minimum size of one-half (1/2)
32 acre.

33 b. Setbacks for 50-foot Lots (Single-Family Residential)

Front	20 feet from the property line
Secondary Front	15 feet from the property line
Side	5 feet from the property line
Rear	20 feet from the property line (5 feet for accessory structures)
Between Buildings	10 feet

34
35
36
37

1 c. Setbacks for 75 to 85-foot Lots (Single-Family Residential)

Front	25 feet from the property line
Secondary Front	15 feet from the property line
Side	7.5 feet from the property line
Rear	20 feet from the property line (5 feet for accessory structures)
Between Buildings	15 feet

2
3 d. Setbacks for Multi-family Residential

Front	20 feet from the property line
Secondary Front	15 feet from the property line
Side	0 feet from the property line
Rear	20 feet from the property line (5 feet for accessory structures)
Between Buildings	20 feet plus 15 feet for each story in excess of two

4
5 e. The multi-family development shall provide internal connections for pedestrian access to the
6 commercial portions of the development.

7 2. Commercial:

8 a. Commercial activities shall be permitted on the 25.09-acre and 19.45 acre parcels identified as
9 Tracts L and M, respectively, on the PUD rezoning plan. Total gross leasable area for the two
10 parcels shall be limited to 425,000 square feet. All C-1 (Neighborhood Commercial) and C-2
11 (Community Commercial) uses shall be permitted on the commercial parcels, except adult
12 entertainment, gas stations, automobile dealerships, automobile part stores, car washes, and
13 automobile repair.

14 Setbacks: The following setbacks shall apply to the commercial area.

Front	50 feet from the right-of-way of State Road 50, 25 feet from the right-of-way of any local road or easement
Side/Rear	15 feet from the property line (based on the 15- foot Type B landscape buffer requirement)

16
17 b. The developer shall attempt to orientate the buildings so that the rear of the building does not face
18 Magnolia Pointe Blvd. If the rear of the building must face Magnolia Pointe Blvd, the developer shall
19 extend the wall accordingly.

20 c. The developer shall follow architectural standards of development which compliment Plaza Collina
21 and the Joint Planning Area with the City of Clermont.

22 3. Assisted Living Facility (ALF):

23 a. The 71 room ALF shall be permitted on Tract P as shown on Exhibit "B" (Concept Plan). In the
24 event the ALF is not developed, the Developer has the option to develop Tract "P" for residential
25 purposes with no increase in density.

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- 1 b. Commercial setbacks shall apply for the ALF.
- 2 c. Minimum residential lot size for Tract "P" shall be 50' x 110'. Setbacks for 50' residential lots shall
- 3 apply.
- 4 4. Recreational Vehicle/Boat Storage: Recreational Vehicle (RV) and boat storage shall be allowed on
- 5 Tracts I, J, and K of the PUD and limited to the residents of the development and their guests only. No
- 6 commercial storage is allowed.
- 7 5. Lot Grading: Elevation changes greater than fifteen (15) feet for cut/fill is allowed for the purpose of
- 8 development interface with the existing and proposed State Road 50 grade, existing lake grades, and
- 9 selected stormwater pond grades.
- 10 6. Flood Plain: Compensating storage in the 100-year flood zone shall be permitted in Tracts G & H for
- 11 the purpose of road improvements for ingress/egress.
- 12 B. Open Space/Impervious Area/Floor Area:
- 13 1. Residential: 25% (52.06+/- acres) common open space shall be provided.
- 14 2. Commercial: 20% (8.98 +/-acres) common open space shall be provided.
- 15 3. Open space shall be calculated on an overall basis for the net buildable area for the development.
- 16 4. Impervious Surface Area: Maximum ISR shall be 0.60
- 17 5. Floor Area Ratio: Floor area ratio shall not exceed 0.25 for non-residential development and 0.35 for civic
- 18 use/community facility uses.
- 19 C. Landscaping: Landscape buffering shall be installed and maintained in accordance with the requirements of the
- 20 LDRs, as amended.
- 21 D. Transportation:
- 22 1. All internal streets and traffic calming devices (Roundabouts, etc.) shall be constructed to meet Access
- 23 Management and spacing requirements as set forth in the LDRs, as amended.
- 24 2. All public roads within the development shall be designed both horizontally and vertically to meet the LDRs
- 25 requirements for their classification. Public road pavement width shall be based on Average Daily Trips
- 26 (ADT).
- 27 3. Transportation Design: The layout and design of lots and circulation systems within the development shall
- 28 be substantially consistent with the attached conceptual plan as Exhibit "B" to this Ordinance, submitted as
- 29 a part of the rezoning application, and may be subsequently revised to reflect current conditions. To the
- 30 extent where there are conflicts between Exhibit "B" and this Ordinance, this Ordinance shall take
- 31 precedence.
- 32 4. Any walls or fences within the development area shall provide for common pedestrian access (sidewalk or
- 33 trail) to Hartle Road and State Road 50 at intervals not to exceed 1320 feet (1/4 mile).
- 34 5. The developer shall provide a connection between Magnolia Pointe Blvd and Hartle Road.
- 35 6. The dedication of additional right-of-way for Magnolia Pointe Blvd. and Hartle Road may be required.

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- 1 E. Environmental Requirements:
- 2 1. An environmental survey shall be conducted in accordance with the LDRs, as amended, to address natural
3 vegetative communities, wildlife corridors, and designated species prior to submittal of any development
4 application.
- 5 2. A jurisdictional wetland line and designated species habitat delineation shall be established and included
6 on any site plan or plat.
- 7 3. Wetlands and wetland buffers shall be placed in conservation easements in accordance with the LDRs, as
8 amended.
- 9 F. Utilities: A revised Utility Service Agreement for water and sewer with the City of Clermont shall be required
10 prior to preliminary plat or site plan approval. Connection to central water and wastewater treatment is required
11 and shall comply with all applicable State, Regional, and Lake County policies and regulations, as amended.
- 12 G. Storm Water and Drainage Requirements:
- 13 1. The storm water management system shall be designed in accordance with all applicable Lake County and
14 St. Johns River Water Management District (SJRWMD) requirements, as amended.
- 15 2. The storm water management system shall demonstrate that each phase is able to exist as an independent
16 stable unit for drainage purposes. The natural pre-development drainage pattern shall be maintained to the
17 maximum extent possible.
- 18 H. External Lighting Standards and Requirements:
- 19 1. Exterior lighting shall comply with the Land Development Regulations, as amended.
- 20 2. All light fixtures, including security lighting, shall be limited to cutoff type fixtures and shall be incorporated
21 as an integral design element that complements the design of the development through style, material, and
22 color. Luminaries shall not be tilted. Floodlights or lighting types featuring sag, convex, or drop lenses shall
23 be prohibited.
- 24 3. The height of lighting fixtures inclusive of supporting pole, the lighting source, and fixture shall not exceed
25 thirty (30') feet within parking areas and fifteen (15') feet otherwise. Such height shall be measured from
26 finished grade to the top of the light fixture.
- 27 4. An exterior lighting plan prepared and certified by a licensed engineer qualified in such field shall be
28 submitted with any site plan or construction plan application. Such plan shall consist of a photometric plan
29 of the developed area of the site with accompanying data tables and product design details addressing
30 support poles, lamp fixtures and lenses.
- 31 I. Development Review:
- 32 1. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be required to
33 submit a formal site plan (multi-family development and community facility development) or a preliminary
34 plat, construction plans, and final plat (single-family/townhomes), for review and approval to Lake County.
35 The site plan or preliminary plat, construction plans, and final plat shall meet all submittal requirements and
36 comply with all County codes and ordinances, as amended.
- 37 J. Concurrency Management:
- 38 1. The Owner shall comply with concurrency management regulations and shall be subject to all applicable
39 concurrency requirements as set forth in the LDRs.

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- 1 2. School Concurrency. If the developer should propose an age-restricted community, prior to construction
2 plan approval, deeds and covenants shall be recorded to restrict occupancy to individuals eighteen years
3 of age or older, and the project must comply with the Federal and State Fair Housing Acts. If, at a future
4 date, the developer wishes to eliminate the age-restricted status for any portion of the residential
5 development, that portion shall be required to meet school concurrency prior to final plat approval and
6 recording.
- 7 3. Future Amendments to Statutes, Code, Plan, and/or Regulations: The specific references in this Ordinance
8 to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County
9 Land Development Regulations are inclusive of any future amendments to the Statutes, Code, Plan, and/or
10 Regulations.

- 11 **SECTION 2.** Conditions as altered and amended which pertain to the above tract of land shall be as follows:
- 12 A. After establishment of the facilities as provided herein, the aforementioned property shall only
13 be used for the purposes named in this Ordinance.
- 14 B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve,
15 move, convert, or demolish any building structure, or alter the land in any manner (except for
16 normal maintenance activities – i.e. painting screening, etc.) within the boundaries of the above
17 described land without first submitting the necessary plans in accordance with requirements of
18 Lake County, and obtaining the permits required from the other appropriate governmental
19 agencies.
- 20 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the
21 land and the terms, conditions, and provisions hereof, and shall be binding upon the present
22 owner and any successor, and shall be subject to each and every condition herein set out.
- 23 D. The transfer of ownership or lease of any or all of the property described in this Ordinance shall
24 include in the transfer or lease agreement, a provision that the purchaser or lessee is made
25 good and aware of the conditions pertaining to this Ordinance and agrees to be bound by these
26 conditions. The purchaser or lessee may request a change from the existing plans and
27 conditions by following procedures as contained in the Lake County Land Development
28 Regulations, as amended.
- 29 E. Action by the Lake County Code Enforcement Special Master. The Lake County Code
30 Enforcement Special Master shall have the authority to enforce the terms and conditions set
31 forth in this Ordinance and to recommend that the Ordinance be revoked.

32 **SECTION 3.** **Severability:** If any section, clause or phrase of this Ordinance is held to be invalid or
33 unconstitutional by any court of competent jurisdiction, then said holding shall in no way
34 affect the validity of the remaining portions of this Ordinance.

35 **SECTION 4.** **Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to
36 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance
37 with Section 125.66, Florida Statutes.

38

1 **SECTION 5.** **Effective Date.** This Ordinance shall become effective as provided by law.

2
3 **ENACTED** this _____ day of _____, 2015.

4
5 **FILED** with the **Secretary of State** _____, 2015.

6
7 **EFFECTIVE** _____, 2015.

8 **BOARD OF COUNTY COMMISSIONERS**
9 **LAKE COUNTY, FLORIDA**

10
11
12 _____
13 , **Chairman**

14
15
16
17
18
19 **ATTEST:**

APPROVED AS TO FORM AND LEGALITY

20
21
22 _____
23 **NEIL KELLY, Clerk of the**
24 **Board of County Commissioners**
25 **Lake County, Florida**

MELANIE MARSH, County Attorney

EXHIBIT "A"
(Legal Description)

That part of Sections 25, 26, 35 and 36, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Begin at an iron axle found at the center of said Section 26, thence S89°34'53"E along the North line of the Southeast 1/4 of said Section 26 for a distance of 1324.37 feet to the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 26; thence N00°35'22"E, along the West line of said Southeast 1/4 of the Northeast 1/4 for a distance of 353.50 feet; thence S89°34'53"E along the North line of the South 353.50 feet of said Southeast 1/4 of the Northeast 1/4 for a distance of 300.00 feet; thence N00°35'22"E, along the East line of the West 300.00 feet of said Southeast 1/4 of the Northeast 1/4 for a distance of 243.00 feet; thence run N89°34'53"W along the North line of the South 596.50 feet of said Southeast 1/4 of the Northeast 1/4 for a distance of 57.00 feet; thence N00°35'22"E along the East line of the West 243.00 feet of said Southeast 1/4 of the Northeast 1/4 for a distance of 665.38 feet to the Southerly right-of-way line of State Road No. 50 as shown on Florida Department of Transportation Maps for Section 11070-2505; thence run the following courses along said right-of-way line: S89°06'32"E, 604.68 feet; thence S00°53'28"W, 25.00 feet; thence S89°06'32"E, 650.00 feet; thence N00°53'28"E, 25.00 feet; thence S89°06'32"E, 350.00 feet; thence S00°53'28"W, 10.00 feet; thence S89°06'32"E, 300.11 feet; thence N89°59'09"E, 99.90 feet; thence N00°00'51"W, 10.00 feet; thence N89°59'09"E, 408.78 feet; thence departing said right-of-way line, run S00°47'59"W along the East line of the Southwest 1/4 of the Northwest 1/4 of said Section 25, and the East line of a Boundary Line Agreement, Landscape and Underground Utility Easement Agreement as described in Official Records Book 3311, Page 1189, of the Public Records of Lake County Florida, 1252.29 feet to the Northeast corner of Northwest 1/4 of the Southwest 1/4 of said Section 25; thence S00°39'11"W along the East line of the West 1/2 of the Southwest 1/4 of said Section 25, and the East line of said Boundary Line Agreement, Landscape and Underground Utility Easement Agreement, a distance of 2649.86 feet to the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 25; thence S00°39'11"W along the East line of Government Lot 3 of said Section 36 for a distance of 275.22 feet; thence leaving said East line run westerly along the South line of that part of said Government Lot 3 lying North of John's Lake the following courses: N74°01'09"W, 97.20 feet; thence N67°29'55"W, 245.69 feet; thence S89°06'28"W, 53.27 feet; thence S78°08'59"W, 49.32 feet; thence S70°36'07"W, 71.73 feet; thence S73°26'33"W, 83.71 feet; thence N80°47'13"W, 50.08 feet; thence S76°40'08"W, 73.87 feet; thence S48°13'59"W, 101.76 feet; thence S01°43'21"E, 80.48 feet; thence S23°45'45"W, 76.19 feet; thence S80°02'44"W, 55.95 feet; thence N89°09'52"W, 163.94 feet; thence N85°31'43"W, 60.92 feet; thence S82°46'22"W, 254.46 feet to a point on the West line of said Government Lot 3; thence S00°51'49"W along said West line for a distance of 114.72 feet; thence N89°35'14"W along the South line of the North 600.00 feet of the Northeast 1/4 of the Northeast 1/4 of said Section 35 for a distance of 657.86 feet; thence N00°31'50"E along the West line of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 35, for a distance of 100.00 feet; thence N89°35'14"W along the South line of the North 500 feet of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 35, for a distance of 170.00 feet; thence N00°31'50"E along the West line of the East 170.00 feet of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for a distance of 140.00 feet; thence N89°35'14"W along the South line of the North 360.00 feet of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for a distance of 269.22 feet; thence S00°11'33"W along the East line of the West 220.00 feet of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for a distance of 140.00 feet; thence N89°35'14"W along aforesaid South line of the North 500 feet of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for a distance of 220.00 feet; thence N00°11'33"E along the West line of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for a distance of 500.00 feet; thence N00°31'58"E along the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 26 for a distance of 1325.61 feet to the Northwest corner of the Southeast 1/4 of the Southeast 1/4 of said Section 26; thence N89°35'03"W along the South line of the North 1/2 of the Southeast 1/4 of said Section 26 for a distance of 838.89 feet; thence leaving said

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1 South line run N43°57'39"W along the Northeasterly line of lands described in Official Records Book 1561, Page 1157,
2 of the Public Records of Lake County, Florida, for a distance of 483.74 feet; thence N89°34'19"W along the North line
3 of MEYERS COVE, according to the plat thereof, as recorded in Plat Book 29, Page 38, of the Public Records of Lake
4 County, Florida, and the Easterly prolongation thereof, 809.00 feet to a point on the West line of the East 1/2 of the
5 Northeast 1/4 of the Southwest 1/4 of said Section 26; thence N00°22'13"E along said West line 980.04 feet to the
6 Northwest corner of said East 1/2 of the Northeast 1/4 of the Southwest 1/4; thence S89°33'31"E along the North line
7 of the Southwest 1/4 of said Section 26 for a distance of 665.32 feet to the POINT OF BEGINNING.

8
9 Containing 309.88 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

10

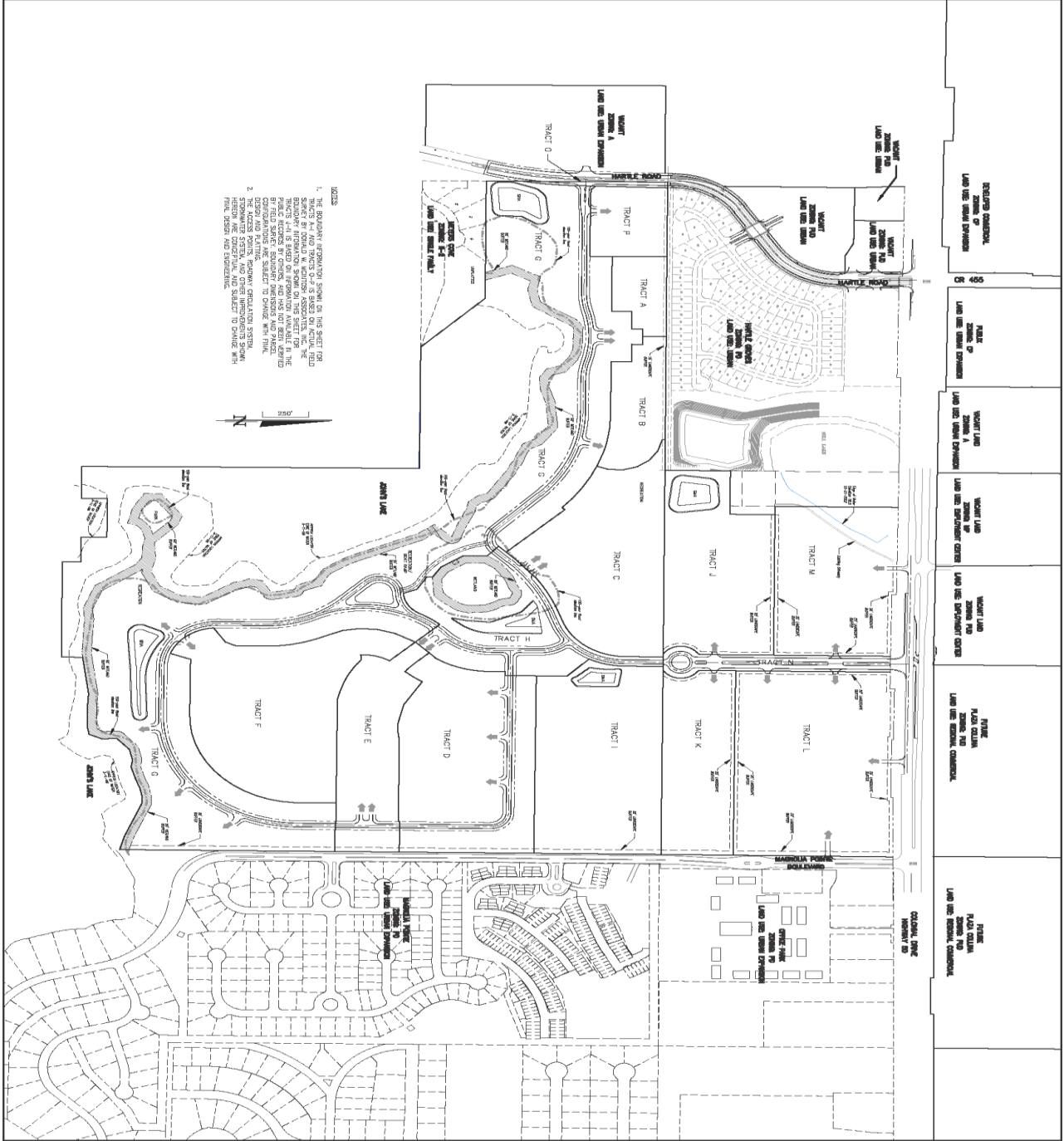
ORDINANCE NO. #2014-92015-XX
PH #3-14-2RZ-15-26-2 (Johns' Lake Landing PUD Text Amendment)

EXHIBIT "B"
(Concept Plan)

1
2
3

PROJECT: JOHN'S LAKE LANDING PUD
 SHEET TITLE: OVERALL
 DWG FILE NAME: P:\Proj\2008\28031\EDWD\Amended_PUD\overall.dwg
 XREF FILE NAME: 28031VST.dwg

DONALD W. MCGINTOSH ASSOCIATES, INC. RESERVES THE EXCLUSIVE COPYRIGHT AND PROPERTY RIGHTS TO THIS DRAWING WHICH MAY NOT BE REPRODUCED, CHANGED, OR COPIED IN ANY FORM OR MANNER, NOR CAN IT BE ASSIGNED TO ANY PARTY WITHOUT DONALD W. MCGINTOSH ASSOCIATES, INC.'S WRITTEN CONSENT.



DRAWING OVERALL.DWG	SHEET 4 OF 4	JOHN'S LAKE LANDING PUD LAKE COUNTY, FLORIDA OVERALL SITE PLAN	DONALD W. MCGINTOSH ASSOCIATES, INC. ENGINEERS, PLANNERS & SURVEYORS 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068	NO.	DATE	DESCRIPTION	REVISIONS
				DRAWN BY: DWMA DESIGNED BY: DWMA CHECKED BY: DWMA DATE: 10/6/11 SCALE: 1"=200' JOB NUMBER: 28031			

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EXHIBIT "C"
(First Amendment to Agreement)

FIRST AMENDMENT TO ACKNOWLEDGMENT AND UNDERSTANDING
(the "First Amendment")

The undersigned acknowledge and confirm the following as of this 6th day of March, 2015:

1. The undersigned entered into that certain Acknowledgment and Understanding dated November 6, 2013 relative to the date upon which a wall must be constructed by John's Lake, a copy of which is attached hereto (the "Acknowledgment").

2. The second sentence of the first paragraph of the Acknowledgment, which requires that the current construction obligation for the construction of the wall "... shall be established prior to the earlier to occur of November 6, 2015 or at the time John's Lake, LLC commences residential development of either Phase 4 or Phase 5 of the John's Lake Landing residential subdivision." shall be revised to require that the construction of the wall "... shall be established prior to the earlier to occur of November 6, 2017 or at the time John's Lake, LLC commences residential development of either Phase 4 or Phase 5 of the John's Lake Landing residential subdivision."

3. Except as amended herein, the Acknowledgment shall remain unmodified and is in full force and effect.

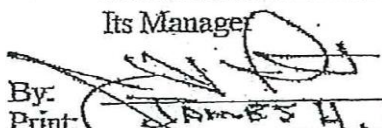
4. This First Amendment may be executed in several counterparts with the same effect as if the parties executing the several counterparts had executed one counterpart as of the day and year below written; provided, however, that such counterparts in the aggregate, shall have been signed by all the parties. All of such counterparts taken together shall be deemed the original First Amendment.


IN WITNESS WHEREOF, the parties hereto have executed this First Amendment as of the day and year first above written.

JOHN'S LAKE, LLC,
A Florida limited liability company

MAGNOLIA POINTE MASTER,
HOMEOWNER'S ASSOCIATION, INC.,
A Florida corporation not-for-profit

By: BDC JOHN'S LAKE, LLC,
A Florida limited liability company
Its Manager

By: 
Print: JAMES H. FAUST
Its: MANAGER

By: 
Print: DAVE ELLIS
Its: RESIDENT

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EXHIBIT "C" (Continued)
(First Amendment to Agreement)

ACKNOWLEDGMENT AND UNDERSTANDING

The undersigned acknowledge and confirm the following as of this 6th day of November, 2013:

The construction obligation of John's Lake LLC to construct the wall between the *John's Lake, LLC* residential lands and the residential portion of *Magnolia Pointe* subdivision, which construction obligation is set forth in that certain Planned Unit Development Ordinance -2012-7 Section A.1.a.v. is hereby extended. The current construction obligation, which requires that the wall "... shall be established prior to initiation of Phase 1 residential construction ..." shall be revised to require that the wall "... shall be established prior to the earlier to occur of November 6, 2015 or at the time John's Lake, LLC commences residential development of either Phase 4 or Phase 5 of the John's Lake Landing residential subdivision."

A performance bond for the wall in the amount of one hundred ten percent (110%) of the cost of the construction (the approximate amount of One Hundred Seventy-Two Thousand and No/100 Dollars (\$172,000.00) based on an estimated cost of approximately One Hundred Fifty-Seven Thousand and No/100 Dollars (\$157,000.00)), shall be posted by John's Lake, LLC with Lake County in accordance with the Lake County requirements and procedures associated with performance bonds.

The wall material and design is attached hereto as **Exhibit A**.

The wall shall be established earlier than the dates set forth above upon the written request of Magnolia Pointe if the Magnolia Pointe subdivision experiences trespassers or other encroachments and the Board of same sends written notice of the trespass and/or encroachments to John's Lake, LLC. Upon John's Lake, LLC's receipt of said written notice, then John's Lake, LLC hereby agrees to commence construction within ninety (90) days of the notice from Magnolia Pointe.

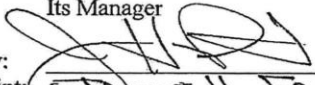
The wall may be constructed by John's Lake, LLC, at its own election, earlier than the time periods set forth above.

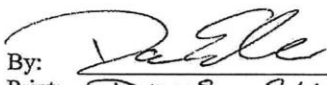
IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the day and year first above written.

JOHN'S LAKE, LLC,
A Florida limited liability company

MAGNOLIA POINTE MASTER
HOMEOWNER'S ASSOCIATION, INC.,
A Florida corporation not-for-profit

By: BDC JOHN'S LAKE, LLC,
A Florida limited liability company
Its Manager

By: 
Print: JAMES H. FANT
Its: MANAGER

By: 
Print: DAVE ELLIS
Its: MPMHOA, PRESIDENT

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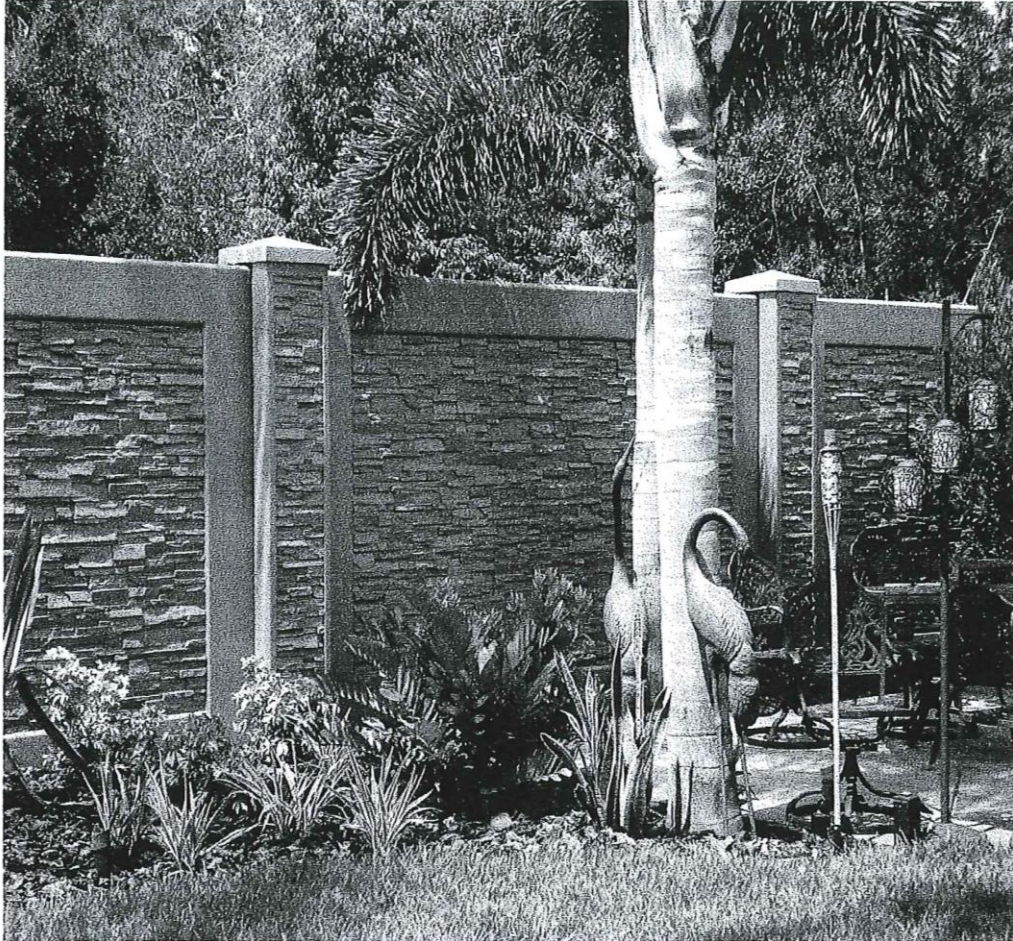
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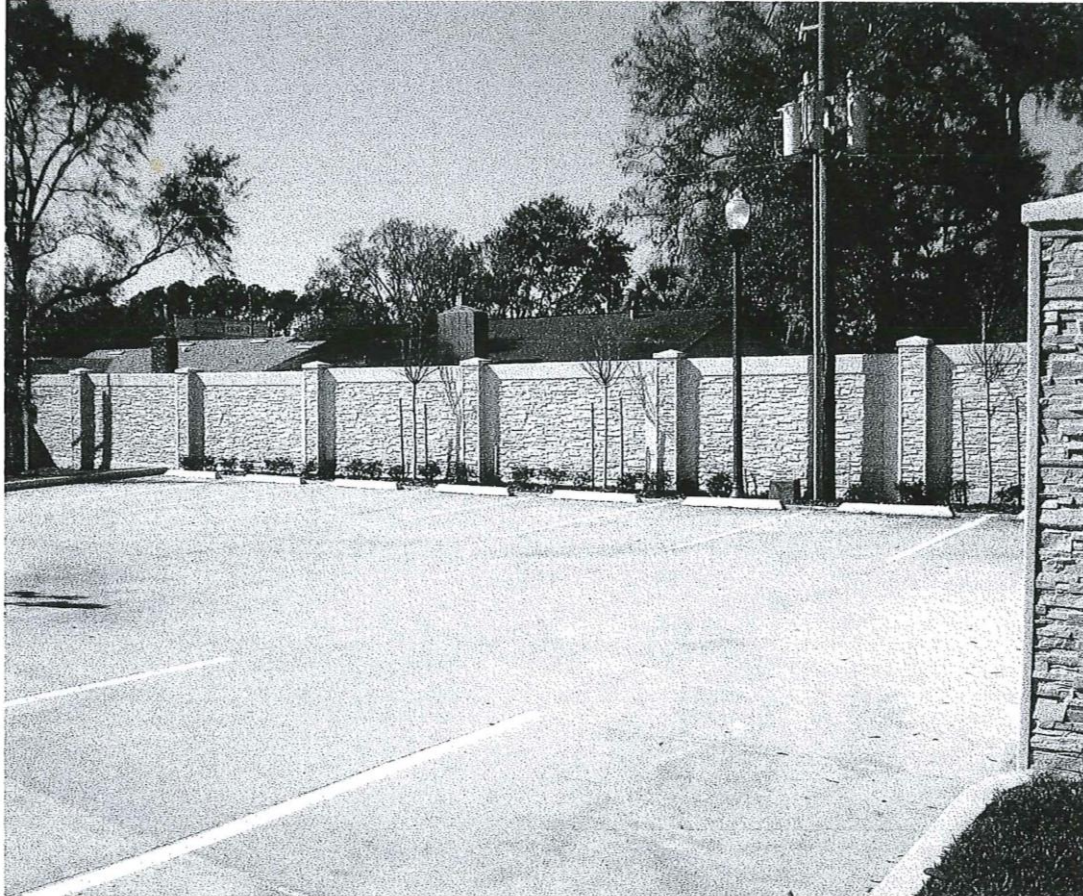
EXHIBIT "C" (Continued)
(Exhibit "A" to First Amendment to Agreement)
(Page 1)



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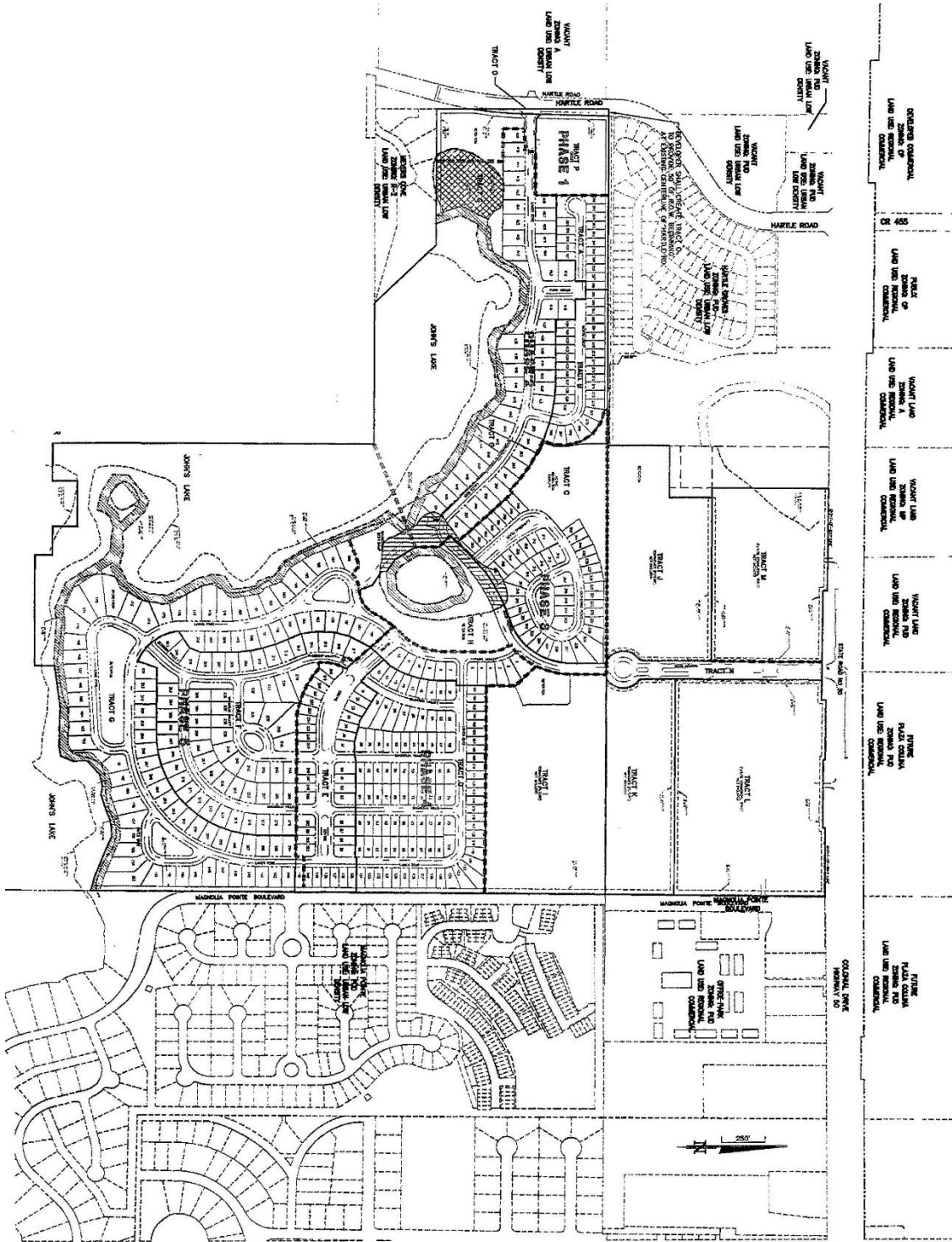
EXHIBIT "C" (Continued)
(Exhibit "A" to First Amendment to Agreement)
(Page 2)



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EXHIBIT "D"
 (Phasing Plan)



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 6

**Existing
Ordinance**



**PLANNING AND COMMUNITY DESIGN
315 WEST MAIN STREET
TAVARES FL 32778**

ORDINANCE #2014-9
Johns Lake LLC
Johns Lake Landing PUD
PH #3-14-2

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6 AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE
7 COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.
8

9 **WHEREAS**, James H. Fant, Manager (the "Applicant") on behalf of Johns' Lake, LLC (the "Owner") requested
10 an amendment to Planned Unit Development (PUD) Ord. #2012-7, Section I.A.1.a.v, related to the timing and
11 construction of the wall between the Magnolia Pointe subdivision and the Johns Lake Landing subdivision with no
12 other changes to the Planned Unit Development (PUD);and

13 **WHEREAS**, the subject Planned Unit Development property consists of 309 +/- acres located in the East
14 Clermont area to the southeast of the intersection of SR 50 and Hartle Road, situated in Section 26 - Township 22S -
15 Range 26E, and having Alternate Keys # 1648106, 2942266, 2664754, 1592330, 1648149, 1037425, 1707269,
16 1037417, 1593115, and 1029139, and more particularly described as:

17
18 LEGAL DESCRIPTION: [EXHIBIT "A" – ATTACHED]
19
20

21 **WHEREAS**, the property is located within the Urban Low Density Future Land Use Category; and

22 **WHEREAS**, on the 22nd day of November, 2005, the Board of County Commissioners approved the Johns
23 Lake Landing PUD (Ordinance #2005-95) on 309 +/- acres consisting of 845 age restricted residential units (517
24 single-family units and 328 multi-family units) and 425,000 square feet of commercial uses; and

25 **WHEREAS**, on January 22, 2012, the Board of County Commissioners approved an amendment to the Johns
26 Lake Landing PUD (Ordinance #2012-7) by adding a community facility use (71 Unit Assisted Living Facility) and
27 reducing the dwelling units for the SFR from 845 to 788 units on approximately 309 +/- acres; and

28 **WHEREAS**, the purpose of this amendment to Planned Unit Development (PUD) Ord. #2012-7 is to modify
29 Section I.A.1.a.v, related to the timing and construction of the wall between the Magnolia Pointe subdivision and the
30 John's Lake Landing subdivision, with no other changes to the Planned Unit Development (PUD);and

31 **WHEREAS**, the Lake County Planning and Zoning Board did, on the 5th day of February, 2014, review
32 Petition PH #3-14-2; after giving Notice of Hearing on petition for a text amendment to the PUD, including notice that
33 said Ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on the 25th day of
34 February, 2014; and

35 **WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the Lake
36 County Zoning Board, Staff Report and any comments, favorable or unfavorable, from the Public and surrounding
37 property owners at a Public Hearing duly advertised, and

38 **WHEREAS**, upon review, certain terms pertaining to the development of the above described property have
39 been duly approved, and

40 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County, Florida, that
41 the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above
42 tracts of land, as described in Exhibit "A", subject to the following terms:

ORDINANCE NO. #2014-9

PH #3-14-2 (Johns' Lake Landing PUD Text Amendment)

Section 1. Terms: The County Manager or designee shall amend the Zoning Map in accordance with this Ordinance. The uses of the property shall be limited to the uses specified in this Ordinance generally consistent with the Conceptual Plan attached hereto as Exhibit 'B'. The passage of this Ordinance shall supersede and replace any and all previous ordinances, specifically Ordinance #2012-7.

A. Land Use and Design:

1. Residential:

a. Density & Type of Residential Units:

- i. 460 single-family residential.
- ii. 328 multi-family or townhome units.
- iii. The overall density shall not exceed four (4) dwelling units to the net acre.
- iv. A total of 788 residential units shall be permitted.
- v. A wall shall be constructed between the residential portion of the John's Lake Landing development and the residential portion of Magnolia Pointe development in accordance with the conditions specified in Exhibit "C" (Acknowledgment and Understanding) and Exhibit "D" (Phasing Plan) of this Ordinance.
- vi. Lake front lots shall have a minimum width of 85 feet and a minimum size of one-half (1/2) acre.

b. Setbacks for 50-foot Lots (Single-Family Residential)

Front	20 feet from the property line
Secondary Front	15 feet from the property line
Side	5 feet from the property line
Rear	20 feet from the property line (5 feet for accessory structures)
Between Buildings	10 feet

c. Setbacks for 75 to 85-foot Lots (Single-Family Residential)

Front	25 feet from the property line
Secondary Front	15 feet from the property line
Side	7.5 feet from the property line
Rear	20 feet from the property line (5 feet for accessory structures)
Between Buildings	15 feet

d. Setbacks for Multi-family Residential

Front	20 feet from the property line
Secondary Front	15 feet from the property line
Side	0 feet from the property line
Rear	20 feet from the property line (5 feet for accessory structures)
Between Buildings	20 feet plus 15 feet for each story in excess of two

ORDINANCE NO. #2014-9

PH #3-14-2 (Johns' Lake Landing PUD Text Amendment)

1 e. The multi-family development shall provide internal connections for pedestrian access to the
2 commercial portions of the development.

3 2. Commercial:

4 a. Commercial activities shall be permitted on the 25.09-acre and 19.45 acre parcels identified as
5 Tracts L and M, respectively, on the PUD rezoning plan. Total gross leasable area for the two
6 parcels shall be limited to 425,000 square feet. All C-1 (Neighborhood Commercial) and C-2
7 (Community Commercial) uses shall be permitted on the commercial parcels.

8 Setbacks: The following setbacks shall apply to the commercial area.

9

Front	50 feet from the right-of-way of State Road 50, 25 feet from the right-of-way of any local road or easement
Side/Rear	15 feet from the property line (based on the 15-foot Type B landscape buffer requirement)

10

11 b. The developer shall attempt to orientate the buildings so that the rear of the building does not
12 face Magnolia Pointe Blvd. If the rear of the building must face Magnolia Pointe Blvd, the
13 developer shall extend the wall accordingly.

14 c. The developer shall follow architectural standards of development which compliment Plaza
15 Collina and the Joint Planning Area with the City of Clermont.

16 3. Assisted Living Facility (ALF):

17 a. The 71 room ALF shall be permitted on Tract P as shown on Exhibit "B" (Concept Plan). In the
18 event the ALF is not developed, the Developer has the option to develop Tract "P" for residential
19 purposes with no increase in density.

20 b. Commercial setbacks shall apply for the ALF.

21 c. Minimum residential lot size for Tract "P" shall be 50' x 110'. Setbacks for 50' residential lots shall
22 apply.

23 4. Recreational Vehicle/Boat Storage: Recreational Vehicle (RV) and boat storage shall be allowed on
24 Tracts I, J, and K of the PUD and limited to the residents of the development and their guests only. No
25 commercial storage is allowed.

26 5. Lot Grading: Elevation changes greater than fifteen (15) feet for cut/fill is allowed for the purpose of
27 development interface with the existing and proposed State Road 50 grade, existing lake grades, and
28 selected stormwater pond grades.

29 6. Flood Plain: Compensating storage in the 100-year flood zone shall be permitted in Tracts G & H for
30 the purpose of road improvements for ingress/egress.

31 B. Open Space/Impervious Area/Floor Area:

32 1. Residential: 25% (52.06+/- acres) common open space shall be provided.

33 2. Commercial: 20% (8.98 +/-acres) common open space shall be provided.

34 3. Open space shall be calculated on an overall basis for the net buildable area for the development.

35 4. Impervious Surface Area: Maximum ISR shall be 0.60

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PH #3-14-2 (Johns' Lake Landing PUD Text Amendment)

- 1 5. Floor Area Ratio: Floor area ratio shall not exceed 0.25 for non-residential development and 0.35 for civic
2 use/community facility uses.
- 3 C. Landscaping: Landscape buffering shall be installed and maintained in accordance with the requirements of
4 the LDRs, as amended.
- 5 D. Transportation:
- 6 1. All internal streets and traffic calming devices (Roundabouts, etc.) shall be constructed to meet Access
7 Management and spacing requirements as set forth in the LDRs, as amended.
- 8 2. All public roads within the development shall be designed both horizontally and vertically to meet the
9 LDRs requirements for their classification. Public road pavement width shall be based on Average Daily
10 Trips (ADT).
- 11 3. Transportation Design: The layout and design of lots and circulation systems within the development shall
12 be substantially consistent with the attached conceptual plan as Exhibit "B" to this Ordinance, submitted
13 as a part of the rezoning application, and may be subsequently revised to reflect current conditions. To
14 the extent where there are conflicts between Exhibit "B" and this Ordinance, this Ordinance shall take
15 precedence.
- 16 4. Any walls or fences within the development area shall provide for common pedestrian access (sidewalk or
17 trail) to Hartle Road and State Road 50 at intervals not to exceed 1320 feet (1/4 mile).
- 18 5. The developer shall provide a connection between Magnolia Pointe Blvd and Hartle Road.
- 19 6. The dedication of additional right-of-way for Magnolia Pointe Blvd. and Hartle Road may be required.
- 20 E. Environmental Requirements:
- 21 1. An environmental survey shall be conducted in accordance with the LDRs, as amended, to address
22 natural vegetative communities, wildlife corridors, and designated species prior to submittal of any
23 development application.
- 24 2. A jurisdictional wetland line and designated species habitat delineation shall be established and included
25 on any site plan or plat.
- 26 3. Wetlands and wetland buffers shall be placed in conservation easements in accordance with the LDRs,
27 as amended.
- 28 F. Utilities: A revised Utility Service Agreement for water and sewer with the City of Clermont shall be required
29 prior to preliminary plat or site plan approval. Connection to central water and wastewater treatment is
30 required and shall comply with all applicable State, Regional, and Lake County policies and regulations, as
31 amended.
- 32 G. Storm Water and Drainage Requirements:
- 33 1. The storm water management system shall be designed in accordance with all applicable Lake County
34 and St. Johns River Water Management District (SJRWMD) requirements, as amended.
- 35 2. The storm water management system shall demonstrate that each phase is able to exist as an
36 independent stable unit for drainage purposes. The natural pre-development drainage pattern shall be
37 maintained to the maximum extent possible.
- 38
- 39

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PH #3-14-2 (Johns' Lake Landing PUD Text Amendment)

- 1 H. External Lighting Standards and Requirements:
- 2 1. Exterior lighting shall comply with the Land Development Regulations, as amended.
- 3 2. All light fixtures, including security lighting, shall be limited to cutoff type fixtures and shall be incorporated
- 4 as an integral design element that complements the design of the development through style, material,
- 5 and color. Luminaries shall not be tilted. Floodlights or lighting types featuring sag, convex, or drop lenses
- 6 shall be prohibited.
- 7 3. The height of lighting fixtures inclusive of supporting pole, the lighting source, and fixture shall not exceed
- 8 thirty (30') feet within parking areas and fifteen (15') feet otherwise. Such height shall be measured from
- 9 finished grade to the top of the light fixture.
- 10 4. An exterior lighting plan prepared and certified by a licensed engineer qualified in such field shall be
- 11 submitted with any site plan or construction plan application. Such plan shall consist of a photometric plan
- 12 of the developed area of the site with accompanying data tables and product design details addressing
- 13 support poles, lamp fixtures and lenses.
- 14 I. Development Review:
- 15 1. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be required
- 16 to submit a formal site plan (multi-family development and community facility development) or a
- 17 preliminary plat, construction plans, and final plat (single-family/townhomes), for review and approval to
- 18 Lake County. The site plan or preliminary plat, construction plans, and final plat shall meet all submittal
- 19 requirements and comply with all County codes and ordinances, as amended.
- 20 J. Concurrency Management:
- 21
- 22 1. The Owner shall comply with concurrency management regulations and shall be subject to all applicable
- 23 concurrency requirements as set forth in the LDRs.
- 24 2. School Concurrency. If the developer should propose an age-restricted community, prior to construction
- 25 plan approval, deeds and covenants shall be recorded to restrict occupancy to individuals eighteen years
- 26 of age or older, and the project must comply with the Federal and State Fair Housing Acts. If, at a future
- 27 date, the developer wishes to eliminate the age-restricted status for any portion of the residential
- 28 development, that portion shall be required to meet school concurrency prior to final plat approval and
- 29 recording.
- 30 3. Future Amendments to Statutes, Code, Plan, and/or Regulations: The specific references in this
- 31 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and
- 32 Lake County Land Development Regulations are inclusive of any future amendments to the Statutes,
- 33 Code, Plan, and/or Regulations.
- 34
- 35 **SECTION 2.** Conditions as altered and amended which pertain to the above tract of land shall be as follows:
- 36 A. After establishment of the facilities as provided herein, the aforementioned property shall only
- 37 be used for the purposes named in this Ordinance.
- 38 B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve,
- 39 move, convert, or demolish any building structure, or alter the land in any manner (except for
- 40 normal maintenance activities – i.e. painting screening, etc.) within the boundaries of the
- 41 above described land without first submitting the necessary plans in accordance with

ORDINANCE NO. #2014-9
PH #3-14-2 (Johns' Lake Landing PUD Text Amendment)

- 1 requirements of Lake County, and obtaining the permits required from the other appropriate
- 2 governmental agencies.
- 3 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the
- 4 land and the terms, conditions, and provisions hereof, and shall be binding upon the present
- 5 owner and any successor, and shall be subject to each and every condition herein set out.
- 6 D. The transfer of ownership or lease of any or all of the property described in this Ordinance
- 7 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is
- 8 made good and aware of the conditions pertaining to this Ordinance and agrees to be bound
- 9 by these conditions. The purchaser or lessee may request a change from the existing plans
- 10 and conditions by following procedures as contained in the Lake County Land Development
- 11 Regulations, as amended.
- 12 E. Action by the Lake County Code Enforcement Special Master. The Lake County Code
- 13 Enforcement Special Master shall have the authority to enforce the terms and conditions set
- 14 forth in this Ordinance and to recommend that the Ordinance be revoked.

15 **SECTION 3. Severability:** If any section, clause or phrase of this Ordinance is held to be invalid or
16 unconstitutional by any court of competent jurisdiction, then said holding shall in no way
17 affect the validity of the remaining portions of this Ordinance.

18 **SECTION 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to
19 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance
20 with Section 125.66, Florida Statutes.

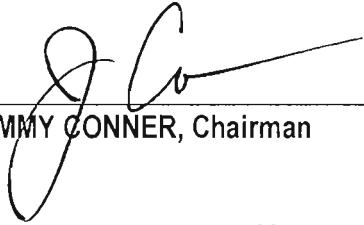
21 **SECTION 5. Effective Date.** This Ordinance shall become effective as provided by law.

22 ENACTED this 25th day of February, 2014.

23 FILED with the Secretary of State March 5, 2014.

24 EFFECTIVE March 5, 2014.

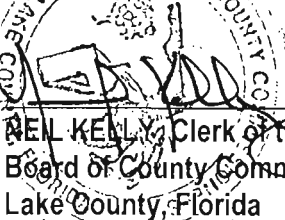
28 BOARD OF COUNTY COMMISSIONERS
29 LAKE COUNTY, FLORIDA

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33 JIMMY CONNER, Chairman

34 APPROVED AS TO FORM AND LEGALITY

35
36 
37
38 SANFORD A. MINKOFF, County Attorney

39 ATTEST:

40 
41 NEIL KENLY, Clerk of the
42 Board of County Commissioners
Lake County, Florida

ORDINANCE NO. #2014-9
PH #3-14-2 (Johns' Lake Landing PUD Text Amendment)

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EXHIBIT "A"
(Legal Description)

That part of Sections 25, 26, 35 and 36, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Begin at an iron axle found at the center of said Section 26, thence S89°34'53"E along the North line of the Southeast 1/4 of said Section 26 for a distance of 1324.37 feet to the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 26; thence N00°35'22"E, along the West line of said Southeast 1/4 of the Northeast 1/4 for a distance of 353.50 feet; thence S89°34'53"E along the North line of the South 353.50 feet of said Southeast 1/4 of the Northeast 1/4 for a distance of 300.00 feet; thence N00°35'22"E, along the East line of the West 300.00 feet of said Southeast 1/4 of the Northeast 1/4 for a distance of 243.00 feet; thence run N89°34'53"W along the North line of the South 596.50 feet of said Southeast 1/4 of the Northeast 1/4 for a distance of 57.00 feet; thence N00°35'22"E along the East line of the West 243.00 feet of said Southeast 1/4 of the Northeast 1/4 for a distance of 665.38 feet to the Southerly right-of-way line of State Road No. 50 as shown on Florida Department of Transportation Maps for Section 11070-2505; thence run the following courses along said right-of-way line: S89°06'32"E, 604.68 feet; thence S00°53'28"W, 25.00 feet; thence S89°06'32"E, 650.00 feet; thence N00°53'28"E, 25.00 feet; thence S89°06'32"E, 350.00 feet; thence S00°53'28"W, 10.00 feet; thence S89°06'32"E, 300.11 feet; thence N89°59'09"E, 99.90 feet; thence N00°00'51"W, 10.00 feet; thence N89°59'09"E, 408.78 feet; thence departing said right-of-way line, run S00°47'59"W along the East line of the Southwest 1/4 of the Northwest 1/4 of said Section 25, and the East line of a Boundary Line Agreement, Landscape and Underground Utility Easement Agreement as described in Official Records Book 3311, Page 1189, of the Public Records of Lake County Florida, 1252.29 feet to the Northeast corner of Northwest 1/4 of the Southwest 1/4 of said Section 25; thence S00°39'11"W along the East line of the West 1/2 of the Southwest 1/4 of said Section 25, and the East line of said Boundary Line Agreement, Landscape and Underground Utility Easement Agreement, a distance of 2649.86 feet to the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 25; thence S00°39'11"W along the East line of Government Lot 3 of said Section 36 for a distance of 275.22 feet; thence leaving said East line run westerly along the South line of that part of said Government Lot 3 lying North of John's Lake the following courses: N74°01'09"W, 97.20 feet; thence N67°29'55"W, 245.69 feet; thence S89°06'28"W, 53.27 feet; thence S78°08'59"W, 49.32 feet; thence S70°36'07"W, 71.73 feet; thence S73°26'33"W, 83.71 feet; thence N80°47'13"W, 50.08 feet; thence S76°40'08"W, 73.87 feet; thence S48°13'59"W, 101.76 feet; thence S01°43'21"E, 80.48 feet; thence S23°45'45"W, 76.19 feet; thence S80°02'44"W, 55.95 feet; thence N89°09'52"W, 163.94 feet; thence N85°31'43"W, 60.92 feet; thence S82°46'22"W, 254.46 feet to a point on the West line of said Government Lot 3; thence S00°51'49"W along said West line for a distance of 114.72 feet; thence N89°35'14"W along the South line of the North 600.00 feet of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 35 for a distance of 657.86 feet; thence N00°31'50"E along the West line of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 35, for a distance of 100.00 feet; thence N89°35'14"W along the South line of the North 500 feet of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 35, for a distance of 170.00 feet; thence N00°31'50"E along the West line of the East 170.00 feet of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for a distance of 140.00 feet; thence N89°35'14"W along the South line of the North 360.00 feet of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for a distance of 269.22 feet; thence S00°11'33"W along the East line of the West 220.00 feet of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for a distance of 140.00 feet; thence N89°35'14"W along aforesaid South line of the North 500 feet of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for a distance of 220.00 feet; thence N00°11'33"E along the West line of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 for a distance of 500.00 feet; thence N00°31'58"E along the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 26 for a distance of

ORDINANCE NO. #2014-9

PH #3-14-2 (Johns' Lake Landing PUD Text Amendment)

1 1325.61 feet to the Northwest corner of the Southeast 1/4 of the Southeast 1/4 of said Section 26; thence
2 N89°35'03"W along the South line of the North 1/2 of the Southeast 1/4 of said Section 26 for a distance of 838.89
3 feet; thence leaving said South line run N43°57'39"W along the Northeasterly line of lands described in Official
4 Records Book 1561, Page 1157, of the Public Records of Lake County, Florida, for a distance of 483.74 feet; thence
5 N89°34'19"W along the North line of MEYERS COVE, according to the plat thereof, as recorded in Plat Book 29, Page
6 38, of the Public Records of Lake County, Florida, and the Easterly prolongation thereof, 809.00 feet to a point on the
7 West line of the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Section 26; thence N00°22'13"E along said
8 West line 980.04 feet to the Northwest corner of said East 1/2 of the Northeast 1/4 of the Southwest 1/4; thence
9 S89°33'31"E along the North line of the Southwest 1/4 of said Section 26 for a distance of 665.32 feet to the POINT
10 OF BEGINNING.

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12 Containing 309.88 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

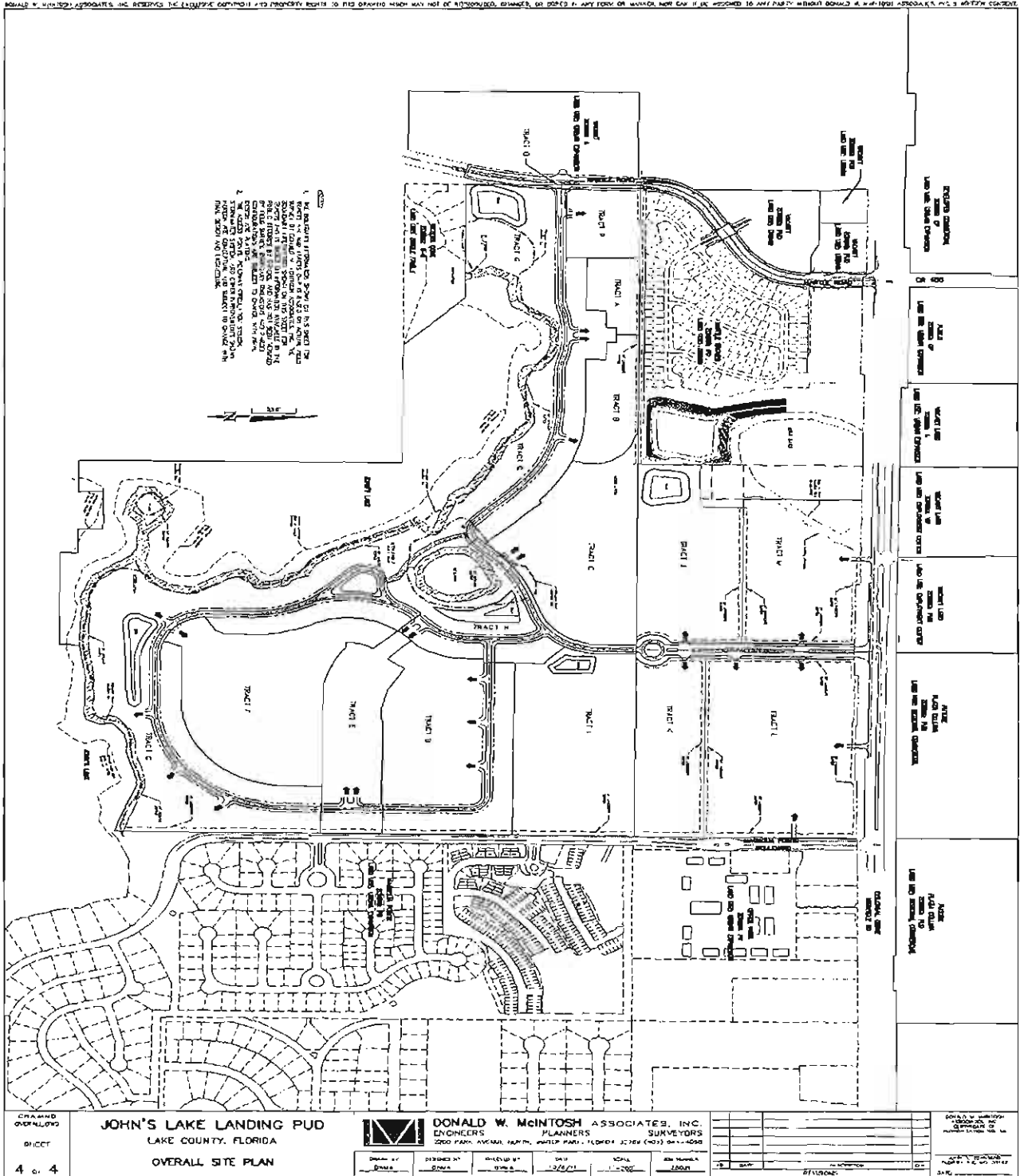
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ORDINANCE NO. #2014-9
PH #3-14-2 (Johns' Lake Landing PUD Text Amendment)

EXHIBIT "B"
(Concept Plan)

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1. The information provided herein is for informational purposes only and does not constitute a contract. The user of this information shall be responsible for verifying the accuracy of the information and for obtaining all necessary permits and approvals from the appropriate authorities.



ORDINANCE NO. #2014-9
PH #3-14-2 (Johns' Lake Landing PUD Text Amendment)

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EXHIBIT "C"
(Agreement)

ACKNOWLEDGMENT AND UNDERSTANDING

The undersigned acknowledge and confirm the following as of this 6th day of November, 2013:

The construction obligation of John's Lake LLC to construct the wall between the *John's Lake, LLC* residential lands and the residential portion of *Magnolia Pointe* subdivision, which construction obligation is set forth in that certain Planned Unit Development Ordinance -2012-7 Section A.1.a.v. is hereby extended. The current construction obligation, which requires that the wall "... shall be established prior to initiation of Phase 1 residential construction" shall be revised to require that the wall "... shall be established prior to the earlier to occur of November 6, 2015 or at the time John's Lake, LLC commences residential development of either Phase 4 or Phase 5 of the John's Lake Landing residential subdivision."

A performance bond for the wall in the amount of one hundred ten percent (110%) of the cost of the construction (the approximate amount of One Hundred Seventy-Two Thousand and No/100 Dollars (\$172,000.00) based on an estimated cost of approximately One Hundred Fifty-Seven Thousand and No/100 Dollars (\$157,000.00)), shall be posted by John's Lake, LLC with Lake County in accordance with the Lake County requirements and procedures associated with performance bonds.

The wall material and design is attached hereto as **Exhibit A**.

The wall shall be established earlier than the dates set forth above upon the written request of Magnolia Pointe if the Magnolia Pointe subdivision experiences trespassers or other encroachments and the Board of same sends written notice of the trespass and/or encroachments to John's Lake, LLC. Upon John's Lake, LLC's receipt of said written notice, then John's Lake, LLC hereby agrees to commence construction within ninety (90) days of the notice from Magnolia Pointe.

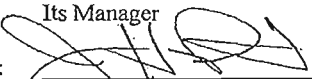
The wall may be constructed by John's Lake, LLC, at its own election, earlier than the time periods set forth above.

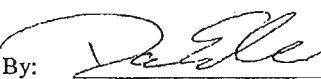
IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the day and year first above written.

JOHN'S LAKE, LLC,
A Florida limited liability company

MAGNOLIA POINTE MASTER
HOMEOWNER'S ASSOCIATION, INC.,
A Florida corporation not-for-profit

By: BDC JOHN'S LAKE, LLC,
A Florida limited liability company
Its Manager

By: 
Print: JAMES H. FANT
Its: MANAGER

By: 
Print: DAVE ELLIS
Its: MPMHA, PRESIDENT

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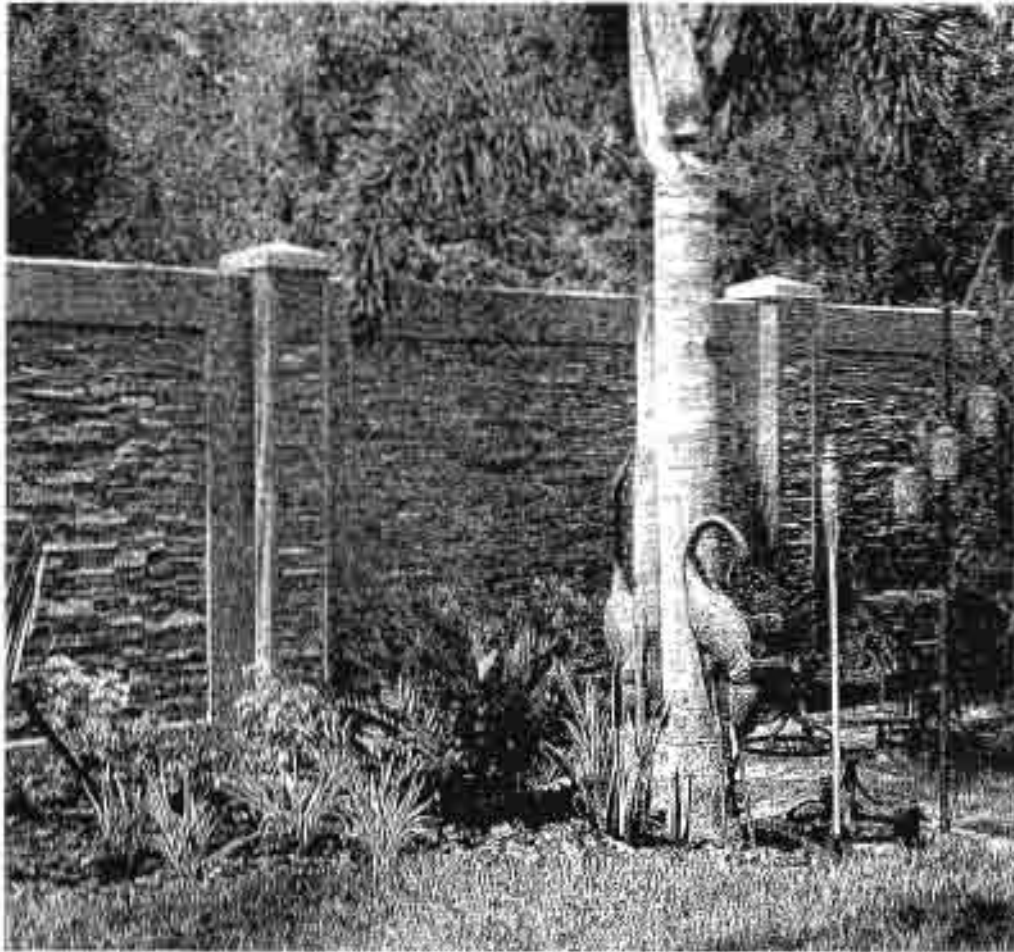
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ORDINANCE NO. #2014-9
PH #3-14-2 (Johns' Lake Landing PUD Text Amendment)

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EXHIBIT "C" (Continued)
(Exhibit "A" to Agreement)
(Page 1)

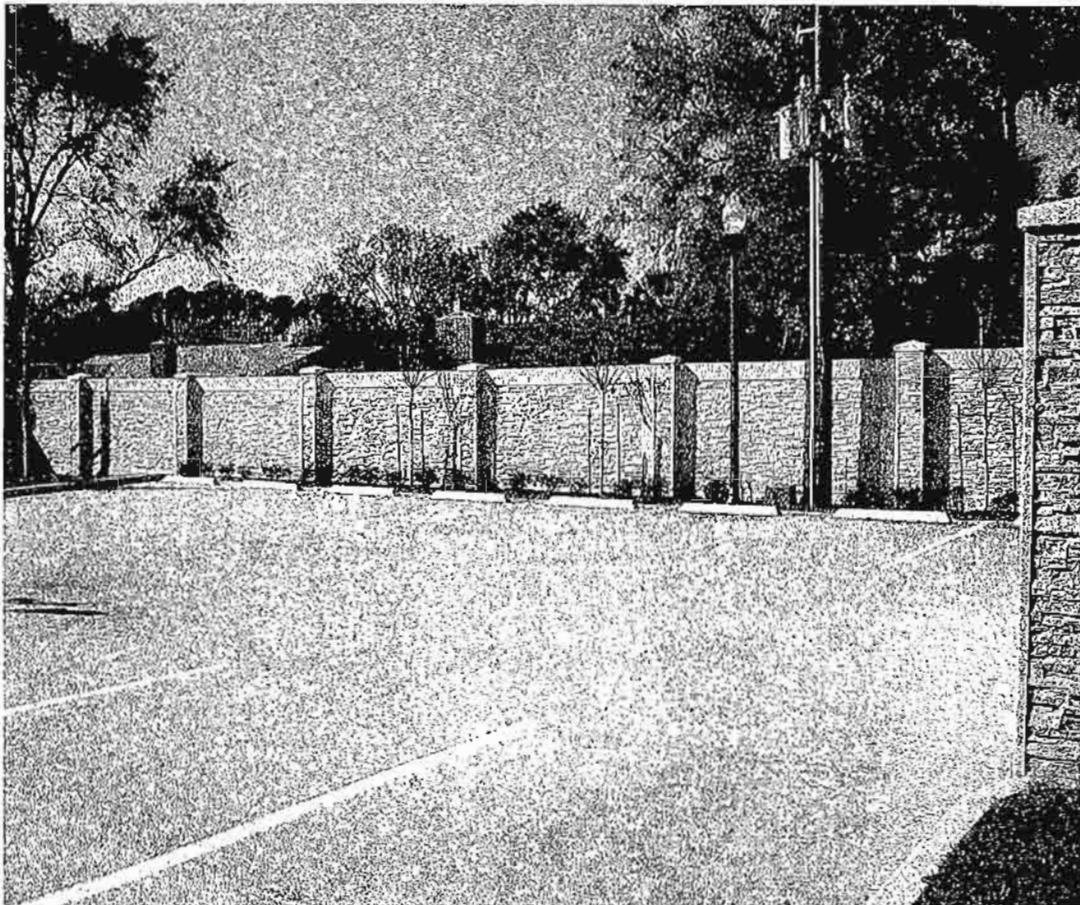


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ORDINANCE NO. #2014-9
PH #3-14-2 (Johns' Lake Landing PUD Text Amendment)

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EXHIBIT "C" (Continued)
(Exhibit "A" to Agreement)
(Page 2)

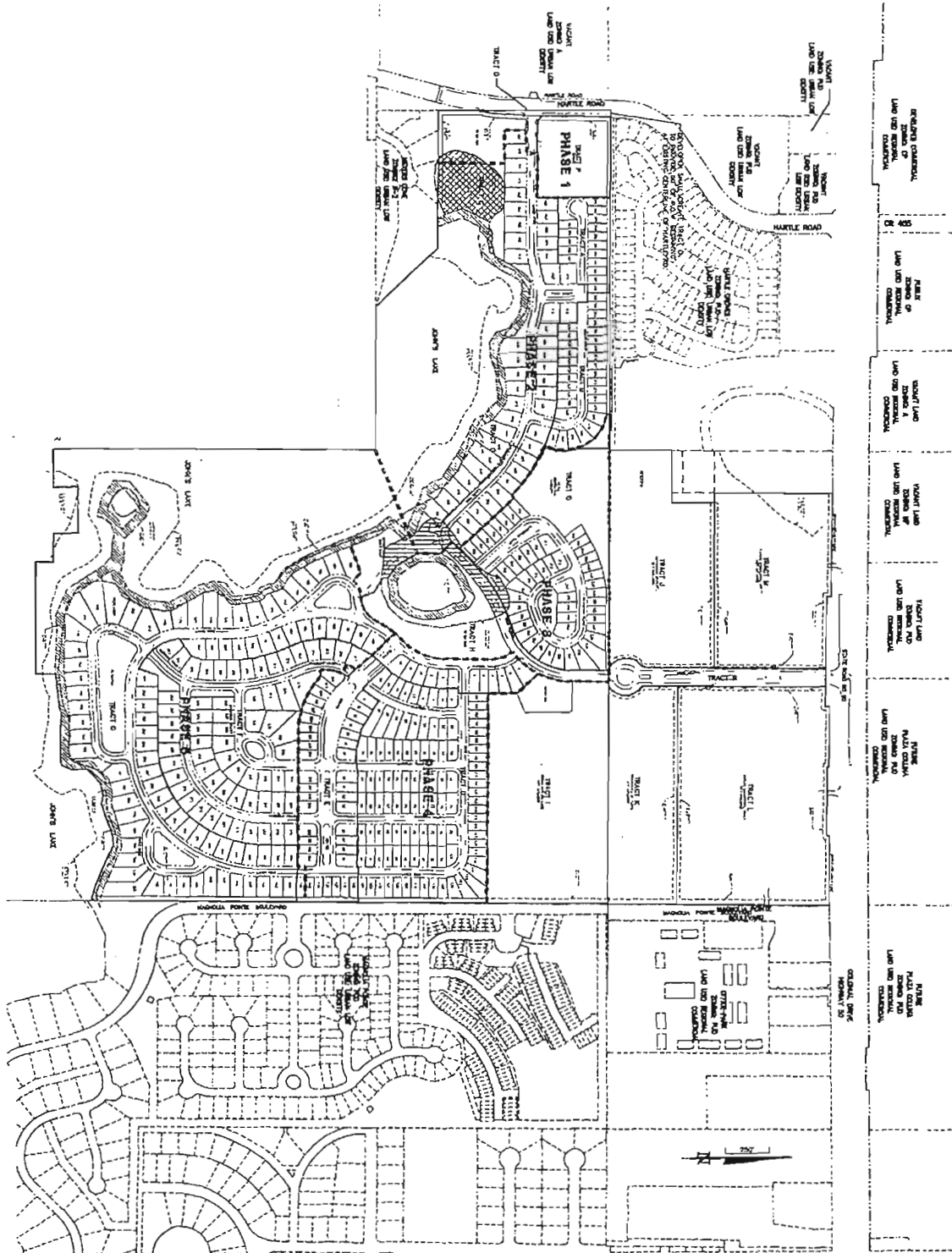


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ORDINANCE NO. #2014-9
PH #3-14-2 (Johns' Lake Landing PUD Text Amendment)

EXHIBIT "D"
(Phasing Plan)

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